

outline is defined and used in this document

## **TITLE I. GOVERNMENT CODE**

### **CHAPTER 100: GENERAL PROVISIONS**

#### **ARTICLE I. INCORPORATION**

##### **SECTION 100.010: THIRD CLASS CITY**

The Town of Normandy and the Village of Berdell Hills in accordance with a special election held on May 10, 1977, and in accordance with the vote of the people, are consolidated under one government. The Consolidated City shall be called the City of Normandy, Missouri, a City of the Third Class, Mayor-Council Form, as set forth in Chapter 77 of the Revised Statutes of Missouri for 1969. (Ord. No. 1 §§1-2, 6-6-77)

#### **ARTICLE II. GENERAL CODE PROVISIONS**

##### **SECTION 100.020: HOW CODE DESIGNATED AND CITED**

The ordinances embraced in this and the following Chapters and Sections shall constitute and be designated "The Code of the City of Normandy, Missouri." Such ordinances may also be cited as the "Normandy City Code." (CC 1975 §1-1)

##### **SECTION 100.030: DEFINITIONS AND RULES OF CONSTRUCTION**

In the construction of this Code and of all other ordinances of the City, the following definitions shall be observed, unless it shall be otherwise expressly provided in any Section or ordinance, or unless inconsistent with the manifest intent of the City Council, or unless the context clearly requires otherwise:

*CITY:* The words "*the City*" or "*this City*" shall mean the City of Normandy, Missouri.

*CITY COUNCIL:* The City Council of Normandy, Missouri.

*COMPUTATION OF TIME:* The time within which an act is to be done shall be computed by excluding the first (1st) and including the last day; and if the last day is Sunday or a legal holiday, that shall be excluded.

*COUNTY:* The County of St. Louis, State of Missouri.

*GENDER:* When any subject matter, party or person is described or referred to by words

importing the masculine, females as well as males, and associations and bodies corporate as well as individuals, shall be deemed to be included.

*JOINT AUTHORITY:* Words importing joint authority to three (3) or more persons shall be construed as authority to a majority of the persons, unless otherwise declared in the law giving the authority.

**MAYOR:** The words "*Mayor*" or "*Mayor of the Council*" shall mean the Mayor of the City Council of Normandy, Missouri.

**MONTH:** A calendar month.

**NUMBER:** When any subject matter, party or person is described or referred to by words importing the singular number, the plural and separate matters and persons and bodies corporate shall be deemed to be included.

**OATH:** Shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "*swear*" and "*sworn*" shall be equivalent to the words "*affirm*" and "*affirmed*".

**OWNER:** As applied to any property, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such property.

**PERSON:** Includes a corporation, bodies politic, firm, partnership, association, organization and any other group acting as a unit as well as an individual. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word "*person*" is used in any Section of this Code prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members thereof and, as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of such Section.

**PERSONAL PROPERTY:** Includes money, goods, chattels, things in action and evidences of debt.

**PRECEDING, FOLLOWING:** When used by way of reference to any Section of this Code, mean the Section next preceding or next following that in which the reference is made, unless some other Section is expressly designated in the reference.

**PROPERTY:** Includes real and personal property.

**PUBLIC WAY:** Shall include any street, alley, boulevard, parkway, highway, sidewalk or other public thoroughfare.

**REAL PROPERTY:** The terms "*real property*," "*premises*," "*real estate*" or "*lands*" shall be deemed to be co-extensive with lands, tenements and hereditaments.

**SHALL, MAY:** The word "*shall*" is mandatory, and the word "*may*" is permissive.

**SIDEWALK:** Shall mean that portion of the street between the curb line and the adjacent property line which is intended for the use of pedestrians.

**SIGNATURE:** Where the written signature of any person is required, the proper handwriting of such person or his/her mark shall be intended.

**STATE:** The words "*the State*" or "*this State*" shall mean the State of Missouri.

*STREET:* Shall include avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the City, and shall mean the entire width thereof between abutting property lines; it shall be construed to include a sidewalk or footpath,

unless the contrary is expressed or unless such construction would be inconsistent with the manifest intent of the City Council.

*TENANT, OCCUPANT:* The words "*tenant*" or "*occupant*," applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

*WRITING:* The words "*writing*" and "*written*" shall include printing, lithographing, or any other mode of representing words, letter, and figures.

*YEAR:* Shall mean a calendar year, unless otherwise expressed, and the word "*year*" shall be equivalent to the words "*year of our Lord*."

All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the City Council may be fully carried out. (CC 1975 §1-2)

#### **SECTION 100.040: CONTENTS OF CODE**

This Code contains all ordinances of a general and permanent nature of the City of Normandy, Missouri, and includes ordinances dealing with municipal administration, municipal elections, building and property regulation, business and occupations, health and sanitation, public order, and similar objects.

#### **SECTION 100.050: OFFICIAL COPY OF CODE**

The Official Copy of this Code, bearing the signature of the Mayor and attestation of the City Clerk as to its adoption, shall be kept on file in the office of the City Clerk. An extra copy of this Code shall be kept in the City Clerk's office available for public inspection.

#### **SECTION 100.060: ALTERING OR AMENDING CODE**

- A. It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Official Copy of the Code in any manner whatsoever which will cause the law of the City to be misrepresented thereby. Any person, firm or corporation violating this Section shall be punished as provided in Section 100.220 of this Code.
- B. This provision shall not apply to amendments, additions or deletions to this Code, duly passed by the City Council, which may be prepared by the City Clerk for insertion in this Code.

#### **SECTION 100.070: NUMBERING OF CODE**

Each Section number of this Code shall consist of two (2) parts separated by a period; the

figure before the period referring to the Chapter number, and the figure after the period referring to the position of the Section in the Chapter. Both figures shall consist of three (3) digits.

**SECTION 100.080: WORDS AND PHRASES, HOW CONSTRUED**

Words and phrases shall be taken in their plain or ordinary and usual sense, but technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

**SECTION 100.090: HEADINGS**

The headings of the Chapters and Sections of this Code are intended as guides and not as part of this Code for purposes of interpretation or construction.

**SECTION 100.100: PROVISIONS CONSIDERED AS  
CONTINUATIONS OF EXISTING  
ORDINANCES**

The provisions appearing in this Code, so far as they are the same in substance as those of ordinances existing at the time of the adoption of this Code, shall be considered as continuations thereof and not as new enactments. (CC 1975 §1-4)

**SECTION 100.110: EFFECT OF REPEAL OF ORDINANCE**

No offense committed and no fine, penalty or forfeiture incurred, or prosecution commenced or pending previous to or at the time when any ordinance provision is repealed or amended, shall be affected by the repeal or amendment, but the trial and punishment of all such offenses, and the recovery of the fines, penalties or forfeitures shall be had, in all respects, as if the provision had not been repealed or amended, except:

1. All such proceedings shall be conducted according to existing procedural laws; and
2. If the penalty or punishment for any offense is reduced or lessened by any alteration of the law creating the offense prior to original sentencing, the penalty or punishment shall be assessed according to the amendatory law.

**SECTION 100.120: SEVERABILITY OF PARTS OF CODE**

It is hereby declared to be the intention of the City Council that the Sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or Section of this Code shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any Court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and Sections of this Code, since they would have been enacted by the City Council without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or Section. (CC 1975 §1-5)

**SECTION 100.130: REPEAL OF ORDINANCE NOT TO AFFECT  
LIABILITIES, ETC.**

Whenever any ordinance or part of an ordinance shall be replaced or modified, either expressly or by implication, by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the ordinance repealing or modifying the same shall go into



effect unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under any ordinance previous to its repeal shall in anywise be affected, released or discharged, but may be prosecuted, enjoyed and recovered as fully as if such ordinance or provision had continued in force, unless it shall be therein otherwise expressly provided. (CC 1975 §1-6)

*Cross Reference—As to passage, revival, etc., of ordinances, see §§110.060(F), 110.140 of this Code.*

**SECTION 100.140: REPEAL NOT TO REVIVE FORMER ORDINANCE**

When an ordinance repealing a former ordinance, clause or provision shall itself be repealed, such repeal shall not be construed to revive such former ordinance, clause or provision, unless it is expressly so provided. (CC 1975 §1-7)

**SECTION 100.150: TENSE**

Except as otherwise specifically provided or indicated by the context, all words used in this Code indicating the present tense shall not be limited to the time of adoption of this Code but shall extend to and include the time of the happening of any act, event, or requirement for which provision is made herein, either as a power, immunity, requirement, or prohibition.

**SECTION 100.160: NOTICE**

Whenever notice may be required under the provisions of this Code or other City ordinance, the same shall be served in the following manner:

1. By delivering the notice to the person to be served personally or by leaving the same at his/her residence, office or place of business with some person of his/her family over the age of fifteen (15) years;
2. By mailing said notice by certified or registered mail to such person to be served at his/her last known address; or
3. If the person to be served is unknown, or may not be notified under the requirements of this Section, then by posting said notice in some conspicuous place at least five (5) days before the act or action concerning which the notice is given is to take place. No person shall interfere with, obstruct, mutilate, conceal, or tear down any official notice or placard posted by any City Officer, unless permission is given by said officer.

**SECTION 100.170: NOTICE—EXCEPTIONS**

The provisions of the preceding Section shall not apply to those Chapters of this Code wherein there is a separate definition of notice.



**SECTION 100.180: COMPUTATION OF TIME**

In computing any period of time prescribed or allowed by this Code or by a notice or order issued pursuant thereto, the day of the act, event or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

**SECTION 100.190: GENDER**

When any subject matter, party or person is described or referred to by words importing the masculine, females as well as males, and associations and bodies corporate as well as individuals, shall be deemed to be included.

**SECTION 100.200: JOINT AUTHORITY**

Words importing joint authority to three (3) or more persons shall be construed as authority to a majority of such persons unless otherwise declared in the law giving the authority.

**SECTION 100.210: NUMBER**

When any subject matter, party or person is described or referred to by words importing the singular number, the plural and separate matters and persons and bodies corporate shall be deemed to be included; and when words importing the plural number are used, the singular shall be included.

**ARTICLE III. ORDINANCE  
ENFORCEMENT AND ADMINISTRATION****SECTION 100.220: GENERAL PENALTY—CONTINUING  
VIOLATIONS**

- A. Whenever in this Code or in any ordinance of the City, or in any rule, regulation, notice, condition, term or order promulgated by any officer or agency of the City under authority duly vested in him/her or it, any act is prohibited or is declared to be unlawful or an offense or misdemeanor or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of this Code or any such ordinance, rule, regulation, order or notice shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment, but in any case wherein the penalty for an offense is fixed by any Statute, the same penalty shall apply.

- B. Except where otherwise provided, each and every day any violation of this Code or any ordinance of the City or any rule, regulation, order or notice promulgated by any officer or agency of the City under authority duly vested in him/her or it shall constitute a separate offense.

- C. Whenever any act is prohibited by this Code, by an amendment thereof, or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding or abetting of another person to do said act. Whenever any act is prohibited by this Code, an attempt to do the act is likewise prohibited. (CC 1975 §1-8; Ord. No. 471 §1, 11-7-00; Ord. No. 485 §1, 4-9-01)

*Cross References—As to penalties for violations of building code, see §500.040 et seq.; as to penalties for violations of electrical code, etc., see §500.050.*

**SECTION 100.221:**

**EQUITABLE RELIEF**

In addition to any other remedies or penalties established for violations of any ordinance or Code Section, or any rule, regulation, notice, condition, term or order promulgated by any officer or agency of the City under duly vested authority, the City Official responsible for the enforcement of such ordinance, Code Section, rule, regulation, notice, condition, term or order may, on behalf of the City and after approval by the City Council, apply to a court of competent jurisdiction for such legal or equitable relief as may be necessary to enforce compliance with such ordinance, Code Section, rule, regulation, notice, condition, term or order. In such action the court may grant such legal or equitable relief, including, but not limited to, mandatory or prohibitory injunctive relief, as the facts may warrant. Upon the successful prosecution of any such action the City may be awarded by the court reasonable attorney fees as allowed by law. (Ord. No. 478 §1, 1-2-01; Ord. No. 485 §1, 4-9-01)

**SECTION 100.222:**

**RESTRICTIONS ON DELINQUENT APPLICANTS**

- A. For the purposes of this Section, the following terms shall have the following meanings:

**APPLICANT:** An individual or a corporation, firm, partnership, joint venture, association, organization or entity of any kind, including any shareholder, owner, officer, partner, joint venturer or member of such entity or any other person holding an ownership interest in such entity requesting any City permit, license, franchise or other approval.

**RELEVANT LAW:**

1. Any Statute or regulation of the United States or the State of Missouri;
2. Any ordinance or Code Section of the City, or any rule, regulation, notice, condition, term or order promulgated by any officer or agency of the City under duly vested authority of the City; or
3. Any final judgment or order of any court of competent jurisdiction, when a Statute, ordinance, Code Section, rule, regulation, notice, condition, term, order or judgment at issue regulates conduct or conditions germane to the issuance of the requested permit, license, franchise or other approval as provided by the applicable ordinance or Code Section of the City.

*RELATED PERSON or ENTITY:*

1. A firm, partnership, joint venture, association, organization or entity of any kind in which the applicant holds any stock, title, or other ownership interest of at least twenty percent (20%);

2. A firm, partnership, joint venture, association, organization or entity of any kind which holds any stock, title, or other ownership interest in the applicant of at least twenty percent (20%); or
  3. An individual, firm, partnership, joint venture, association, organization or entity of any kind, whose affairs the applicant has the legal or practical ability to direct, either directly or indirectly, whether by contractual agreement, majority ownership interest, any lessor ownership interest, familial relationship or in any other manner.
- B. In enforcing or administering the ordinances of the City, no permit, license, franchise or approval of any kind shall be granted to any applicant
1. Who is charged with, or in violation of, any relevant law, or
  2. Who is related to or associated with a related person or entity who is charged with, or in violation of, any relevant law, until such time as the applicant or the related person or entity resolves the pending charge or comes into compliance with the relevant law.
- C. The reviewing or enforcement officer may consider past violations of relevant law by an applicant or a related person or entity in considering whether to issue a permit, license, franchise or approval requested by an applicant.
- D. The reviewing or enforcement officer may refuse to accept the refiling of a denied application for one (1) year from the date of the denial unless the officer finds that the application has been substantially revised, or that substantial new facts or change in circumstances warrant reapplication.
- E. Any aggrieved applicant may appeal the decision of the reviewing or enforcement officer to the City Administrator within five (5) business days of said decision. The City Administrator may reverse or modify the decision of the reviewing or enforcement officer provided the applicant
1. Establishes a good faith effort to effect compliance with this Section and any relevant law, or if applicable, an inability to do so because of the ownership structure of any pertinent related entity, or
  2. Establishes that the applicant has not been charged with, or is not in violation of, any relevant law. (Ord. No. 485 §1, 4-9-01)

**ARTICLE IV. MISCELLANEOUS**

**PROVISIONS**

**SECTION 100.230: LICENSES AND PERMITS NOT AVAILABLE TO DELINQUENT TAXPAYERS**

No license or permit shall be issued under any provision of this Code to any person owing

the City any delinquent, personal, merchant's or other City tax or assessment until such tax or assessment shall be paid in full to the City or arrangement, satisfactory to the City Council, has been made for such payment in full; provided, that this Section shall not be construed to include dog licenses.

(CC 1975 §1-9)



**ARTICLE V. BOUNDARIES****SECTION 100.240:****METES AND BOUNDS**

The Metes and Bounds of the City of Normandy, Missouri, shall be as follows:

Beginning at the northwesterly corner of Lucas-Hunt Road and Natural Bridge Road; thence southwardly across Natural Bridge Road and along the westerly line of Lucas-Hunt Road to its intersection with the northerly corporate limit line of the Village of Glen Echo Park; beginning at a point in the Southwest line of Lucas-Hunt Road, said point being the northeast corner of Lot 18, Block 3, of Glen Echo Park; beginning at a point in the Southwest line of Lucas-Hunt Road, said point being the northeast corner of Lot 18, Block 3, of Glen Echo Park Subdivision and the south line of a strip of land owned by the St. Louis Public Service Company, said line being the northerly boundary line of the Village of Glen Echo Park; thence westwardly, southwardly and westwardly along the northerly line of the Village of Glen Echo Park to a point at the southwest corner of Lot 9 of Block 3 of Oehler's Place Subdivision, thence southwardly along the said easterly line of St. Mary's Lane to its intersection with northerly property line of Glen Echo Country Club; thence eastwardly along the South Line of the Village of Glen Echo Park to the west line of Lucas-Hunt Road, thence in a southward direction along the Western Line of Lucas-Hunt Road to a point in the North Line of North Market Street, thence westwardly along the North line of North Market Street to a point in the West Line of U.S. Survey 2684, said point being in the East Line of the present limits of the City of Pagedale, thence North, west and north along the west, south and west line of U.S. Survey 2684 to the Southeast corner of the present limits of the City of Greendale; thence North and Northwest along the present East and Northeast line of the City of Greendale to the southeast corner of the property conveyed to the Sisters of Charity of the Incarnate Word; thence north along the East Line of said property conveyed to the Sisters of Charity of the Incarnate Word, to the center of Hager Avenue; thence west along the center line of Hager Avenue to the Center Line of Bellrive Avenue; said point of intersection of Hager Avenue and Bellrive Avenue being the east line of the present corporate limits line of the Village of Bel-Nor; thence north, east and north along the present corporate limits line of the Village of Bel-Nor and the prolongation thereof as produced northwardly to its intersection with the southerly corporate limits line of the Village of Bellrive; thence eastwardly along the southerly corporate limits line of said Village of Bellrive to a stone at the southeasterly corner of said Village of Bellrive as shown in Exhibit A filed August 16, 1941, in the office of the Clerk of the County Court, St. Louis County, Missouri, in a petition for the inclusion of additional lands to the corporate limits of the Village of Bellrive; thence following along the corporate limits line of said Village of Bellrive North 29 degrees 43 feet East a distance of 1041.45 feet to a stone; thence south 75 degrees 6 feet east a distance of 77.58 feet to a stone; thence north 29 degrees 43 feet east a distance of 1152.75 feet to the southerly line of a road as described in deed by John J. Miltonberger, dated September 15, 1891, as recorded in Book 54, Page 179, of the St. Louis County Recorder's Records; thence westwardly along the southerly right-of-way line of a road described in a deed by John J. Miltonberger, dated September 15, 1891, as recorded in Book 54, Page 179, of the St. Louis County Recorder's Records to a point at the intersection with the southerly line of Lot F of Brotherton's Third Subdivision, US Survey 2503; thence northwestwardly a distance of 1202.5 feet more or less along the southerly line of Lots 1, 2 and 3 of the said Brotherton's Third Subdivision to its southwesterly corner of said Lot 3; thence northeastwardly along the

northerly line of said Lot 3 of the Brotherton's Third Subdivision to the southwesterly line of said Florissant Road; thence northwardly along the southwesterly line of said Florissant Road across Geiger Road to its intersection with the corporate limits line of the Normandy Sanitary Sewer District; thence following along the corporate limits of said Normandy Sanitary Sewer District to the northeasterly corner of U.S. Survey 2503 as described; beginning at a point of the intersection with the westerly line of Florissant Road and the corporate limits line of

Normandy Sanitary Sewer District; thence eastwardly to the center line of Florissant Road; thence northeastwardly along the center line of said Florissant Road to its intersection with the prolongation of a straight line parallel with the northerly line of Lot 14 of the George M. Moore's Subdivision, a subdivision of St. Louis County, Missouri, as produced northwestwardly from the southeasterly corner of said Lot 14; thence southwestwardly along said parallel line of Lot 14 to the southeasterly corner of said Lot 14; thence southwardly along the westerly line of Lot 10 of said George Moore's Subdivision to its intersection with the Northerly line of U.S. Survey 1503; thence northeastwardly along a straight line along the northwesterly line of said U.S. Survey 2503 across Lot 10 of said George Moore's Subdivision to a point in the westerly right-of-way line of the Union Station Branch of the Wabash Railroad; thence in a northwardly direction along the westerly right-of-way line of the Union Station Branch of the Wabash Railroad to a point 150 feet northerly of the northerly right-of-way line of Woodstock Road; thence in a eastwardly direction on a line 150 feet northeast and East from, and parallel to, the northerly line of Woodstock Road across Bermuda Road (formerly Old Florissant Road) to a point 150 feet northeast and East from, and parallel to, the northeasterly and easterly line of Bermuda Road to a point where that line joins the westerly boundary line of the City of Jennings; thence continuing southwardly along the westerly boundary line of the City of Jennings to a point where that line intersects the northerly boundary line of the Village of Norwood Court; thence westwardly along the northerly boundary line of the Village of Norwood Court to a point where that line intersects the southeasterly right-of-way line of Bermuda Road; thence south 88 degrees 28 minutes East along the southerly line of Lammert Lane a distance of 75.74 feet to an iron pipe; said point being the northwesterly corner of the Village of Norwood Court; thence south 33 degrees 38 minutes east along the westerly line of the Village of Norwood Court 1003.74 feet to an iron pipe; thence south 21 degrees 28 minutes east along the westerly boundary line of the Village of Norwood Court 434.00 feet to the southwest corner of said Village; thence North 85 degrees 56 minutes west 86.71 feet; thence south 61 degrees 25 minutes West 100 feet to a stone, said stone being at the southeasterly corner of the Berdell Hills Subdivision; thence North 61 degrees 49 minutes East along the easterly boundary of the Berdell Hills a distance of 348.15 feet; thence south 1 degree 32 minutes West along the western corporate limits of the Village of Norwood Court 746.10 feet to a point; thence south 33 degrees 27 minutes west along the western corporate limits of the Village of Norwood Court 725.5 feet to its intersection with the northern line of U.S. Survey 2505 being also the northern limits of the Village of Pasadena Hills; thence, northwestwardly along the northeasterly line of said Village of Pasadena Hills to its intersection with the northeasterly corner of the Village of Pasadena Park; thence, continuing northwestwardly along the corporate limits of said Village of Pasadena Park to this intersection with the easterly line of Bermuda Road; thence, southwestwardly and southwardly along the said westerly boundary of said Village of Pasadena Park and the easterly line of Bermuda Road to its intersection with the northeasterly line of Florissant Road; thence, southeastwardly along the northeasterly line of said Florissant Road and the southwest boundary line of the Village of Pasadena Park to its intersection with the northwesterly property line of the property of German St. Vincent's Orphan's Home of St. Louis County, Missouri; thence, northeastwardly along the said northwesterly property line and the corporate limits line of the Village of Pasadena Park to the northwesterly corner of the property of said German St. Vincent's Orphan's Home; thence southeasterly along the southwest line of the Village of Pasadena Hills and the northeasterly line of said German St. Vincent's Orphan's Home property to the northeasterly corner of said property; thence southwestwardly along the southeasterly property line of said St. Vincent's Orphan's Home

property and the corporate limit line of said Village of Pasadena Hills to its intersection with the northerly right-of-way line of the Public Service Company right-of-way and along the northerly line of the Public Service Company; thence eastwardly along the northerly line of the Public Service Company right-of-way and along the southerly corporate limit line of the Village of Pasadena Hills to the point where said corporate line of said Village of Pasadena Hills turns southwardly and becomes the westerly corporate limits line of said Village; thence southwardly along said westerly limits line of said Village of Pasadena Hills to a point where said westerly corporate limits line turns eastwardly in Natural Bridge Road and

becomes the southerly limits line of said Village of Pasadena Hills; thence eastwardly along said southerly corporate limits line of said Pasadena Hills to the point in said Natural Bridge Road where said corporate limits line turns northwardly and becomes the easterly limits line of said Village of Pasadena Hills; thence northwardly along said easterly corporate limits line of said Village of Pasadena Hills to its intersection with the northerly right-of-way line of the St. Louis Public Service Company, being also the southerly corporate limits line of the Village of Pasadena Hills; thence eastwardly along said northerly right-of-way line of the St. Louis Public Service Company and the southerly corporate limits of said Village of Pasadena Hills to its intersection with the westerly line of Lucas-Hunt Road; thence, southwardly along the westerly line of Lucas-Hunt Road to the northwesterly corner of the intersection of Lucas-Hunt Road and Natural Bridge Road, the point of beginning. (Ord. No. 2 §1, 6-6-77)



## **CHAPTER 105: ELECTIONS**

### **ARTICLE I. CONDUCT OF ELECTIONS**

#### **SECTION 105.010: CONFORMANCE OF CITY ELECTIONS WITH STATE LAW**

All City elections shall be conducted and held in conformance with the provisions of Chapter 115, RSMo.

#### **SECTION 105.020: DATE OF MUNICIPAL ELECTION**

- A. A municipal election for the qualified voters of this City shall be held on the first (1st) Tuesday after the first (1st) Monday in April of each year.
- B. On the first (1st) Tuesday after the first (1st) Monday in April of odd-numbered years, a municipal election of the qualified voters of the City of Normandy shall be held for the purpose of electing a Mayor, who shall hold his/her office for a term of four (4) years, and until his/her successor is elected and qualified.
- C. On the first (1st) Tuesday after the first (1st) Monday in April of odd-numbered years, a municipal election of the qualified voters of the City of Normandy shall be held for the purpose of electing one (1) Councilman from each ward who shall hold his/her office for a term of two (2) years, and until his/her successor is elected and qualified.
- D. On the first (1st) Tuesday after the first (1st) Monday in April of even-numbered years, a municipal election of the qualified voters of the City of Normandy shall be held for the purpose of electing one (1) Councilman from each ward, who shall hold his/her office for a term of two (2) years, and until his/her successor is elected and qualified.

#### **SECTION 105.030: CERTIFICATE OF CANDIDACY, FILING FEE**

- A. Any person who desires to become a candidate for an elective City office at the general City election shall file with the City Clerk, not prior to the hour of 8:00 A.M., on the fifteenth (15th) Tuesday prior to, nor later than 5:00 P.M., on the eleventh (11th) Tuesday prior to the next City municipal election, a written declaration of his/her intent to become a candidate at said election. The City Clerk shall keep a permanent record of the names of the candidates, the offices for which they seek election, and the date of their filing, and their names shall appear on the ballots in that order.
- B. Every such citizen filing for elective office shall pay at the time of such filing of his/her certificate of candidacy the sum of ten dollars (\$10.00) to the City of Normandy, Missouri. (Ord. No. 32 §6(B), 2-14-78; Ord. No. 300 §§1-2, (6,A), 10-3-89)

**SECTION 105.035:**

**DECLARATION OF CANDIDACY—NOTICE  
TO PUBLIC**

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**DECLARATION OF CANDIDACY—NOTICE  
TO PUBLIC**

The City Clerk shall, on or before the fifteenth (15th) Tuesday prior to any election at which City offices are to be filled by said election, notify the general public of the opening filing date, the office or offices to be filled, the proper place for filing and the closing filing date of the election. Such



notification may be accomplished by legal notice published in at least one (1) newspaper of general circulation in the City.

**SECTION 105.040: WITHDRAWAL OF CANDIDATES,  
FORFEITURE OF FILING FEE**

- A. Any person who has filed a declaration of candidacy for nomination and who wishes to withdraw as a candidate shall, not later than the eleventh (11th) Tuesday prior to the primary election, file a written, sworn statement of withdrawal in the office of the official who accepted such candidate's declaration of candidacy. Any person nominated for an office who wishes to withdraw as a candidate shall, not later than the eleventh (11th) Tuesday prior to the general election, file a written, sworn statement of withdrawal in the office of the official who accepted such candidate's declaration of candidacy. In addition, any person who has filed a declaration of candidacy for nomination or who is nominated for an office who wishes to withdraw as a candidate due to being named as the party candidate for a different office by a party nominating committee pursuant to Sections 115.363 and 115.377, RSMo., may withdraw as a candidate within five (5) days after being named as the party candidate for a different office by the party nominating committee.
- B. Except as provided for in Section 115.247, RSMo., if there is no additional cost for the printing or reprinting of ballots, or if the candidate agrees to pay any printing or reprinting costs, a candidate who has filed or is nominated for an office may, at any time after the certification required in Section 115.125, RSMo., but no later than 5:00 P.M. on the sixth (6th) Tuesday before the election, withdraw as a candidate pursuant to a court order, which, except for good cause shown by the election authority in opposition thereto, shall be freely given upon application by the candidate to the Circuit Court in the County of such candidate's residence. No withdrawal pursuant to this Subsection shall be effective until such candidate files a copy of the court's order in the office of the official who accepted such candidate's declaration of candidacy.
- C. The name of a person who has properly filed a declaration of candidacy, or of a person nominated for office, who has not given notice of withdrawal as provided in Subsections (A) or (B) of this Section shall, except in case of death or disqualification, be printed on the official primary or general election ballot, as the case may be.
- D. Any citizen, who having filed for elective office and having filed a request to be removed as a candidate for said office, shall not be eligible for any refund of the filing fee paid as required under Section 105.030(B) of this Article. (Ord. No. 32 §7, 2-14-78)

**SECTION 105.050: DECLARATION OF CANDIDACY—FORM**

The form of said written declaration of candidacy shall be substantially as follows:

**STATEMENT OF CANDIDACY**

STATE OF MISSOURI )  
 ) SS

COUNTY OF ST. LOUIS

)

I, \_\_\_\_\_, being first duly sworn, state that I reside at \_\_\_\_\_, City of Normandy, County of St. Louis, Missouri; that I am a qualified voter; that I do hereby declare myself a candidate for the office of \_\_\_\_\_, to be voted upon at the municipal election to be held on the first (1st) Tuesday after the first (1st) Monday in April, \_\_\_\_\_, and I meet all the

qualifications required of a candidate for said office, and I hereby request that my name be printed upon the official ballot for said election for said office, and state that I will serve as such officer, if elected.

Signed:

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

City Clerk  
City of Normandy

(S E A L)

**SECTION 105.060: NOTICE OF  
ELECTIONS—DISQUALIFICATION OF CERTAIN  
CANDIDATES**

In City elections, the City Clerk shall notify the Board of Election Commission of St. Louis County prior to 5:00 P.M. on the tenth (10th) Tuesday prior to any City election except as noted in Section 115.125.1, RSMo. The notice shall be in writing, shall specify that the City Council is calling the election, the purpose of the election, the date of the election, and shall include a certified copy of the legal notice to be published including the sample ballot, provided however, that no person shall be certified as a candidate for a municipal office, nor shall such person's name appear on the ballot as a candidate for such office, who shall be in arrears for any unpaid City taxes or municipal user fees on the last day to file a declaration of candidacy for the office. The written notice shall be executed on behalf of the City Council by the Mayor of the Council and shall include the attestation of the City Clerk and shall have affixed thereto the Seal of the City of Normandy. The notice and any other information required by this Section may, with the prior notification to the election authority receiving the notice, be accepted by facsimile transmission prior to 5:00 P.M. on the tenth (10th) Tuesday prior to the election, provided that the original copy of the notice and a certified copy of the legal notice to be published shall be received in the office of the election authority within three (3) business days from the date of the facsimile transmission. (Ord. No. 447 §1, 11-2-99)

**ARTICLE II. WARDS**

**SECTION 105.070: WARDS**

The City of Normandy, Missouri, is hereby divided into four (4) Wards, which shall be known as the First Ward; Second Ward; Third Ward and Fourth Ward; boundaries of said Wards being as follows:

1. *First Ward.* Beginning at the intersection of the boundary limits line of the City of Normandy, the City of Cool Valley, and the City of Ferguson, thence south 1500 feet to a point on the west right-of-way line of the Wabash Railroad; thence east to the intersection with the west boundary line of the Norwood Manor Subdivision; thence south to the intersection with the south boundary line of the Norwood Manor Subdivision; thence east to the intersection with the east boundary line of the Norwood Manor Subdivision; thence north to the intersection with the north boundary line of the Marshall Brotherton Subdivision; thence east to the intersection with

*Street Address*

2. *Second Ward.* Beginning at a point on the west right-of-way line of the Wabash Railroad at the intersection with the north boundary line of the Skyview Terrace Subdivision; thence south to the intersection with the south right-of-way line of Mark Twain Highway I-70; thence east to the intersection with the south right-of-way line of San Diego Drive; thence east to the intersection with the east boundary limits line of the City of Normandy, the Village of Norwood Court, and the Village of Pasadena Hills; thence north to a point on the east boundary limits line 400 feet past the centerline of Lammert Lane; thence west to the intersection with the east boundary line of the Norwood Manor Subdivision; thence south to the intersection with the south boundary line of the Norwood Manor Subdivision; thence north to the intersection with the south boundary line of the Norwood Manor Subdivision; thence west to the point of beginning; including the following streets:

*Address*

94.4

San Diego Court 7401–7461  
Sand Mark Walk 4602–4665  
Sandy Lane All  
Santa Monica Avenue All  
Skyview Drive All

*Street Address*

Stanwood Drive All  
Winslow Drive All  
Winward Drive All

3. *Third Ward.* Beginning at a point on the west right-of-way line of the Wabash Railroad at the intersection with the south right-of-way line of the Mark Twain Highway I-70; thence south to the intersection with the north right-of-way line of Cool Valley Drive; thence west to the intersection with the east right-of-way line of Highway (Route N) Florissant Road; thence east to the intersection with the west right-of-way line of the Wabash Railroad; thence south to the intersection with the north right-of-way line of Highway (Route 115) Natural Bridge Road; thence east to the east City limits boundary of the City of Normandy and the Village of Pasadena Hills; thence north to the intersection with the south right-of-way line of San Diego Avenue; thence west to the point of beginning; including the following streets:

*Street Address*

Augusta Avenue All  
Bermuda Avenue 415–933  
Circle Drive All  
Cool Valley Drive All  
Contour Drive All  
Florissant Road 7320–8115  
Lacorn Court All  
Marietta Avenue All  
Nacomis Drive All  
Natural Bridge Road 7263–7855  
Oakmount Avenue 3700–3748  
Pasadena Boulevard All  
Rosedale Drive All  
Saint Ann's Lane All  
Sprindale Drive All  
Waco Avenue All  
Walker Lane All

4. *Fourth Ward.* Beginning at the intersection of the boundary limits line of the City of Normandy, the City of Cool Valley and unincorporated Saint Louis County; thence south to the intersection with the boundary limits line of the City of Normandy, the City of Greendale, and the City of Pagedale; thence east to the intersection with the east boundary limits line of the City of Normandy; thence north to the intersection with the north boundary limits line of the City of Normandy and the Village of Pasadena Hills; thence west to the intersection with the east right-of-way line of Roland Boulevard; thence south to the intersection with the north right-of-way line of Highway (Route 115) Natural Bridge Road; thence west to the intersection with the west right-of-way line of the Wabash Railroad; thence north to the intersection with the east right-of-way line of Highway (Route N) Florissant Road; thence west to the intersection with the

north right-of-way line of Cool Valley Drive; thence east to the intersection with the west right-of-way line of the Wabash Railroad; thence north to the intersection with the north boundary limits line of the City of Normandy and the City of Cool Valley; thence west to the point of beginning; including the following street:



*Street Address*

Arcola Drive All  
 Bellerive Drive All  
 Evarts Avenue All  
 Florissant Road 7806–8242  
 Lowen Drive All  
 Lucas Lane All  
 Natural Bridge Road 7200–7900

7201–7241

Normandy Place All  
 Normandy Trace Drive All  
 Oakmount Avenue 3600–3620  
 Oxeye Drive All  
 Saint Andrews Place 7253  
 Saint Charles Rock Road 7301  
 Saint Mary's Lane 3501–3648  
 Wallingford Avenue All  
 (Ord. No. 147 §§1–2, 12-8-81)

## **CHAPTER 110: CITY COUNCIL**

### **SECTION 110.010: COMPOSITION AND DESIGNATION OF CITY GOVERNING BODY**

The Governing Body of the City shall be a City Council consisting of a Mayor and eight (8) Councilmembers, to be elected as provided for in Chapter 105 of this Code, and each member of the Council shall serve for a term of two (2) years and until his/her successor is elected and qualified. The Mayor shall be elected for a term of four (4) years.  
(CC 1975 §2-13; Ord. No. 282 §2)

### **SECTION 110.020: MAYOR TO BE PRESIDENT OF COUNCIL—VOTE**

The Mayor shall be President of the Council and shall preside over same, but shall not vote except in case of a tie in said Council, when he/she shall cast the deciding vote; but provided, however, that he/she shall have no such power to vote in cases when he/she is an interested party. He/she shall have the superintending control of all the officers and affairs of the City, and shall take care that the ordinances of the City and the State laws relating to such City are complied with.

### **SECTION 110.030: POWERS AND DUTIES OF MAYOR AND COUNCIL GENERALLY**

The Mayor and Council shall have the care, management and control of the City and its finances, and shall have power to enact and ordain any and all ordinances not repugnant to the constitution and laws of this State, and such as they shall deem expedient for the good government of the City, the preservation of peace and good order, the benefit of trade and commerce, and the health of the inhabitants thereof, and such other ordinances, rules and regulations as may be deemed necessary to carry such powers into effect, and to alter, modify or repeal the same.

### **SECTION 110.040: REGULAR AND SPECIAL MEETINGS**

- A. *Regular Meetings.* Regular meetings of the Council of the City of Normandy shall be held on the first (1st) Tuesday of each month at the hour of 7:30 P.M. at the Normandy City Hall.
- B. *Special Meetings.* Special meetings may be convened by the Mayor or three (3) members of the City Council at any time on notice to the City Council at least twenty-four (24) in advance of the meeting date unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given.
- C. *Members Required To Attend.* Each member of the Council shall be required to attend all regular and special meetings of the Council, unless leave of absence is granted by the Council, or unless excused by the Mayor for illness or other special reason. (CC 1975 §2-

15; Ord. No. 3 §§1,2; Ord. No. 4 §1; Ord. No. 291 §1; Ord. No. 307 §§1,2; Ord. No. 424 §1; Ord. No. 5 §1, 7-5-77; Ord. No. 29 §1, 12-5-77; Ord. No. 442 §1, 10-15-99)

*Cross Reference—As to open meetings and records, see ch. 120.*

**SECTION 110.050: ANNUAL ORGANIZATIONAL MEETING AND  
ELECTION OF CITY OFFICERS**

At the first (1st) meeting of the City Council in May of each year, the newly elected members of the City shall be sworn in and assume office. The Council shall appoint a President Pro Tempore in case of the absence of the Mayor at any meeting. (CC 1975 §2-16; Ord. No. 8 §1; Ord. No. 268 §1; Ord. No. 333 §1; Ord. No. 352 §1; Ord. No. 395 §§1,2)

**SECTION 110.060: PROCEDURES AT  
MEETINGS—QUORUM—PARLIAMENTARY RULES**

- A. At the hour appointed, the Mayor, or in his/her absence the President Pro Tempore of the Council, or in his/her absence any member of the City Council, shall call the meeting to order and the Clerk shall call the role of members and announce whether a quorum is present. Five (5) of the eight (8) members of the City Council shall constitute a quorum. If a quorum is not present, a smaller number may lawfully adjourn the meeting from day to day, until a quorum is present.
- B. At all regular meetings, the City Council, upon the announcement of a quorum being present, shall proceed to transact business before them in the following order:
  1. Approval of the agenda.
  2. Public hearings and remarks of citizens.
  3. Consideration of consent agenda.
  4. Reports of officers and committees.
    - a. Mayor and Council.
    - b. City Treasurer.
    - c. Officers and committees not received under the consent agenda.
  5. Old business.
    - a. Pending bills.
    - b. Pending resolutions.
    - c. Other pending business.
  6. New business.
    - a. Bills.
    - b. Resolutions.

- c. Items removed from the consent agenda.
- d. Other new business.

## 7. Adjournment.

- C. The City Council, by majority vote of the members present, may change the order of business or revise the agenda. The agenda shall be established by the Mayor; provided however, that any item requested by two (2) or more members of the City Council shall be included on the agenda. At the time of establishing the agenda, the Mayor may include one (1) or more of the following items of business on the consent agenda:

1. Minutes.
2. Resolutions and proclamations.
3. Written reports of officers and committees.
4. Closed meeting if notice is given as required by law.

At the request of the Mayor or any one (1) or more members of the City Council, an item of business shall be removed from the consent agenda and considered on the regular agenda. The City Council, by a majority vote of the members present, may approve and adopt the consent agenda by a single motion. Upon approval of the consent agenda, each item thereon shall be deemed passed, approved and adopted, as if considered individually.

- D. Robert's Rules of Order shall govern the proceedings of the City Council, except when otherwise provided by ordinance or resolution, and any questions arising thereunder shall be decided by the Presiding Officer subject to the appeal to the City Council by any member. Any parliamentary rule may be suspended by unanimous consent of the members of the City Council present at any meeting.
- E. The Chief of Police, or his/her designee, shall be Sergeant-At-Arms of the City Council and shall attend each regular and adjourned meeting thereof and, when so directed in the call for any special meeting and given timely notice thereof by the City Administrator, he/she shall attend such special meetings. The Sergeant-At-Arms shall maintain order at meetings of the Council and execute orders of the Council given him/her by the Presiding Officer.
- F. *Style Of Ordinances—Procedure To Enact.* The style of the ordinances of the City shall be: "Be it ordained by the Council of the City of Normandy, as follows:" No ordinance shall be passed except by bill, and no bill shall become an ordinance unless on its final passage a majority of the members elected to the Council shall vote therefor, and the "ayes" and "nays" shall be entered on the journal. Every proposed ordinance shall be introduced to the Council in writing and shall be read by title or in full two (2) times prior to passage, both readings may occur at a single meeting of the Council. If the proposed ordinance is read by title only, copies of the proposed ordinance shall be made available for public inspection prior to the time the bill is under consideration by the Council. A motion for two (2) readings of a bill at a single meeting shall require the unanimous consent of the members of the Council voting on such motion. No bill shall become an ordinance until it shall have been signed by the officer presiding at the meeting of the Council at which it shall have been passed. When so signed, it shall be delivered to the Mayor for his/her approval and signature, or veto. (CC 1975 §2-17; Ord. No. 5 §2, 7-5-77; Ord. No. 289 §2, 8-9-88; Ord. No. 482 §1, 2-6-01)

**SECTION 110.070: INCREASE OF EXPENDITURE OVER  
BUDGETED AMOUNT TO BE MADE ONLY ON FORMAL  
RESOLUTION**

After the City has approved the budget for any year and has approved or adopted the orders, motions, resolutions, or ordinances required to authorize the expenditures proposed in the budget, the City shall not increase the total amount authorized for expenditure from any fund, unless the Council adopts a resolution setting forth the facts and reasons making the increase necessary and approves or adopts an order, motion, resolution or ordinance to authorize the expenditures.

**SECTION 110.080: ORDINANCES—RECORD OF ORDINANCES**

All ordinances which shall become laws shall, as soon as practicable after their adoption, be recorded in a book to be kept by the City Clerk and known as the "Record of Ordinances".  
(CC 1975 §2-23)

**SECTION 110.090: ANNUAL REPORT TO STATE AUDITOR OF  
FINANCIAL  
TRANSACTIONS OF CITY**

- A. The City Council shall cause to be prepared an annual report of the financial transactions of the City in such summary form as the State Auditor shall prescribe by rule.
- B. Within such time following the end of the fiscal year as the State Auditor shall prescribe by rule, the City Council shall cause a copy of the annual financial report to be remitted to the State Auditor.
- C. In any fiscal year no member of the City Council shall receive any compensation or payment of expenses after the end of the time within which the financial statement of the City is required to be filed with the State Auditor and until such time as the notice from the State Auditor of the filing of the annual financial report for the fiscal year has been received.
- D. All reports or financial statements hereinabove mentioned shall be considered to be public records.

**CHAPTER 115: OFFICERS AND  
EMPLOYEES**

*Cross References—As to interfering with, etc., city officers and employees, see §215.210; as to impersonation of city officers and employees, see §215.190; as to parks and recreation generally, see ch. 240; as to police department, see ch. 200; as to personnel, see ch. 135.*

**ARTICLE I. GENERALLY**

**SECTION 115.010: OFFICIAL BONDS**

- A. Within fifteen (15) days after his/her appointment and before entering upon the discharge of the duties of his/her office or position, the City Treasurer, the City Clerk, the Municipal Court Clerk and each officer and employee of the City who, in the line of duty, will handle or have possession or custody or control over money or negotiable instruments or securities of the City in the amount of five hundred dollars (\$500.00) or more at any time shall give bond, with corporate surety, to the City, conditioned upon the faithful performance of the duties of his/her office or position according to law and that he/she will pay over to the City all money, securities and negotiable instruments belonging thereto that may come into his/her hands, and the amount of such bond, in each instance, shall be as provided by ordinance or resolution of the City Council, but not less than ten thousand dollars (\$10,000.00).
- B. Within fifteen (15) days after his/her appointment and before entering upon the discharge of the duties of his/her office or position, each Police Officer and other person authorized to make arrests who, in the line of duty, will carry any firearm or any instrument to disperse crowds shall give bond to the City, with corporate surety, in an amount not less than five thousand dollars (\$5,000.00), conditioned to save the City harmless against claims, demands, judgments, orders and decrees whatsoever by reason of the unlawful or negligent carrying or use of such firearm or instrument by such officer or other person authorized to make arrests.
- C. In lieu of individual bonds, the City Council may carry, in the name of the City, a blanket policy of insurance or indemnity bond, covering all persons mentioned in Subsections (A) and (B) of this Section and conditioned as provided in those Subsections; and persons so covered need not give an individual bond.
- D. All bonds and insurance policies mentioned in this Section shall be approved as to form by the City Attorney and as to substance by the Mayor, and the premiums thereon shall be paid by the City. All such bonds shall be maintained on file in the office of the City Clerk. (CC 1975 §2-1)

**SECTION 115.020: AUTHORITY OF DEPUTIES, ASSISTANTS  
AND ACTING CITY  
OFFICERS AND EMPLOYEES**



- A. Authority vested in and duties imposed upon City Officers by State law, this Code or other ordinances and resolutions of the City Council may, when they so authorize, be exercised or performed by their deputies, assistants and other subordinates, to the extent not prohibited by State law, this Code or other ordinance or resolution of the City Council.

- B. When any City Officer or employee is absent or disabled, or when any office or position in the City Government is vacant, the person designated by competent authority to act in the place of such absent or disabled City Officer or employee or to hold temporarily the vacant office or position shall have the powers and perform the duties of such absent or disabled officer or employee or appertaining to such vacant office or position. (CC 1975 §2-3)

**SECTION 115.030: RIGHT OF ENTRY FOR PURPOSES OF INSPECTION**

Whenever any officer or employee of the City is required or authorized by Statute, the provisions of this Code or any other ordinance or resolution of the City Council, or rules and regulations or orders issued thereunder, in order to carry out his/her duties thereunder, to enter any premises or vehicle for the purpose of making an inspection thereof or of anything therein contained, such officer or employee shall have the right to enter any such premises or vehicle in accordance with law at any reasonable time in pursuance of such duties. (CC 1975 §2-4)

**SECTION 115.040: TORT LIABILITY AND OTHER INSURANCE COVERAGE**

During the preparation of the budget each year, the City Council shall determine the insurance requirements of the City authorized by Section 71.185, RSMo., and the requirements for all risk insurance coverage for real and personal property owned by or leased to the City or used by City Officers or employees in the line of duty; and the amount of the premiums payable for insurance deemed to be necessary or prudent shall be included in the budget. All insurance policies shall be held in the custody of the City Clerk. (CC 1975 §2-5)

**SECTION 115.045: EXPENSE REIMBURSEMENT AND ADVANCES**

For purposes of this Section, the term "expenses" shall refer only to expenses actually and necessarily incurred in the performance of the official business of the City of Normandy. The term "employee" shall include all persons employed by the City and all elected and appointed officials.

1. Any employee incurring any expense as defined in this Section and seeking reimbursement of same may submit to the City Clerk a voucher certified as being true and correct. The City Clerk shall review such expense vouchers and shall authorize reimbursement to the employee of only those expenses properly incurred.
2. The City Administrator may authorize the advance payment of projected expenses when the projected expenses to be incurred would pose a financial burden on the employee. If such an advance is authorized, within ten (10) days after such expenses are actually incurred, the employee shall submit to the City Clerk a voucher for the expenses actually and necessarily incurred and any balance of the advance remaining

after expenditure. (Ord. No. 469 §1, 9-26-00)

**ARTICLE II. CITY OFFICERS—IN  
GENERAL**

*Cross Reference—As to elections generally, see ch. 105 of this Code.*

**SECTION 115.050: LIMITED AUTHORITY TO ADMINISTER  
OATHS—FALSE SWEARING**

- A. The Presiding Officer of the City Council, the City Clerk and each other officer and Deputy Officer of the City to whom any sworn statement, whether oral or written, is required to be made or submitted by any person pursuant to any provision of this Code or other ordinance or resolution of the City Council shall have authority to administer the oath so required; provided, that nothing in this Section shall be construed as purporting to authorize the administration of any oath which, by law, is required to be administered by a judicial officer, notary public or other officer authorized by law to administer oaths, nor shall this Section be construed as purporting to authorize the taking of any acknowledgement.
- B. Every person who shall wilfully, corruptly and falsely, before any officer authorized by this Section to administer oaths, voluntarily make any false certificate, affidavit or statement of any nature, written or oral, for any purpose, shall be deemed guilty of the offense of false swearing.  
(CC 1975 §2-29)



**SECTION 115.060: COMPENSATION**

The Council shall have power to fix the compensation of all officers and employees of the City. But the salary of an officer shall not be changed during the time for which he/she was elected or appointed.

**SECTION 115.070: OFFICERS TO BE VOTERS AND RESIDENTS OF CITY, EXCEPTIONS, APPOINTED OFFICERS**

All officers elected to offices or appointed to fill a vacancy in any elective office under the City Government shall be voters under the laws and constitution of this State and, except appointed officers, must be residents of the City. No person shall be elected or appointed to any office who shall at the time be in arrears for any unpaid City taxes, or forfeiture or defalcation in office.

**SECTION 115.080: MAY REMOVE OFFICER WITH CONSENT OF COUNCIL**

The Mayor may, with the consent of a majority of all the members elected to the City Council, remove from office, for cause shown, any elective officer of the City, such officer being first given opportunity, together with his/her witnesses, to be heard before the Council, sitting as a court of impeachment. Any elective officer may, in like manner, for cause shown, be removed from office by a two-thirds ( $\frac{2}{3}$ ) vote of all the members elected to the City Council, independently of the Mayor's approval or recommendation. The Mayor may, with the consent of a majority of all the members elected to the Council, remove from office any appointive officer of the City at will; and any such appointive officer may be so removed by a two-thirds ( $\frac{2}{3}$ ) vote of all the members elected to the Council, independently of the Mayor's approval or recommendation. The Council may pass ordinances regulating the manner of impeachment and removals.

**ARTICLE III. APPOINTED OFFICERS**

*Cross References—As to city traffic engineer, see §305.100 of this code; as to municipal judge, see §140.030; as to municipal court clerk, see §140.270; as to municipal court bailiff, see §140.100; as to chief of police generally, see ch. 200.*

**SECTION 115.090: CITY CLERK**

- A. The Mayor, with the consent and approval of a majority of the members elected to the City Council, shall appoint a City Clerk who shall serve at the pleasure of the Mayor and Council.
- B. The City Clerk shall have charge and custody of the City Seal, ordinances and other records, papers and documents entrusted to his/her care and keeping by the City Council; he/she shall attend to such correspondence as may be required; he/she shall keep the journal of the

proceedings of the City Council and enter therein the "yeas" and "nays" of the members of each bill presented for passage as an ordinance; he/she shall attest each ordinance passed by subscribing his/her name on the face thereof; he/she shall issue and attest all warrants ordered by the Council and, in general, he/she shall

perform such other duties as may be prescribed by law or ordinance or as directed by the City Council. (CC 1975 §2-32; Ord. No. 8 §§2,3; Ord. No. 452 §1, 2-1-00)

*Cross Reference—As to duties of city clerk relative to elections generally, see §105.060 of this code.*

**SECTION 115.100:**

**CITY TREASURER**

- A. The Mayor, with the consent and approval of a majority of the members elected to the City Council, shall appoint a City Treasurer who shall serve at the pleasure of the Mayor and Council.
- B. *Bond.* The Treasurer, before entering upon the duties of office, shall file with the City a bond in the amount of fifty thousand dollars (\$50,000.00); such bond shall be approved by the Mayor and shall insure the City for the full and faithful performance of the duties of office. The cost of such bond shall be paid by the City of Normandy. In the event that the Treasurer shall be covered by a blanket bond to the same extent as provided above, such separate bond required by this Section shall not be required.
- C. *Powers And Duties.*
  - 1. The Treasurer shall receive and safely keep all monies, warrants, books, bonds and other property belonging to the City and entrusted to the Treasurer's care and shall deliver the same to the successor in office.
  - 2. The Treasurer shall not draw any checks on the City Depository except upon a warrant signed by the Mayor or, in the absence of the Mayor, by the President Pro Tem of the City Council, and attested by the City Clerk.
  - 3. It shall be the duty of the Treasurer, upon presentation of any warrant drawn upon proper authority, if there shall be money enough in the Depository allocated to the fund upon which said warrant is drawn and out of which such warrant is payable, to draw a check as Treasurer upon the City Depository in favor of the legal holder of such warrant, and to take such warrant and charge the same to the fund upon which it is drawn. In no case shall the Treasurer draw any check upon any fund in the City Depository unless there is sufficient money belonging to the fund upon which said warrant is drawn to pay the same. No money belonging to the City shall be paid out of the City Depository except upon the check of the City Treasurer and signature of one of the two (2) other officials of the City designated by the City Council by resolution.
  - 4. The Treasurer shall examine all bills before the City Council which contemplates the payment of money which may be referred to the Treasurer by the City Council before final passage. If it appears to the satisfaction of the Treasurer that a sufficient sum stands unappropriated to the credit of the City in the fund covered by such proposed legislation to meet the requirements of the bill, the Treasurer shall endorse the bill to that effect.
  - 5. The Treasurer shall make a monthly report to the City Council in writing at the first



(1st) regular session of the Council each month. Such report shall show the amount on hand and credited to the various funds of the City as of the first (1st) day of the preceding month, the receipts and expenditures during said month, and the total amount in the Treasury and unexpected balance to the credit of the respective funds on the last day of the preceding month.

6. The Treasurer shall also perform such other duties in the line of office as may be required by law or resolution of the City Council from time to time. (Ord. No. 256 §§1-2, 12-9-86; Ord. No. 452 §1, 2-1-00)

**SECTION 115.110:**

**CITY ATTORNEY**

- A. The Mayor, with the consent and approval of a majority of the members elected to the City Council, shall appoint a City Attorney who shall serve at the pleasure of the Mayor and Council.
- B. The duties of the City Attorney shall be to:
  1. Advise the Council, the City Manager, and all officers and department heads of the City concerning any question of law relating to their official duties or affecting the City's interests.
  2. Examine and certify as to legality and form all contracts, deeds, bonds and other documents to be signed in the name of, or made to or with, the City.
  3. Serve as Prosecuting Attorney of the Municipal Court.
  4. Draft proposed ordinances at the request of the Council or any member thereof or the City Manager.
  5. Represent the City in legal matters in which the City is a party or interested.
  6. Perform such other duties of a legal nature as the Council may by ordinance or regulation require.

The Council may, by ordinance, on the recommendation of the City Manager, employ special counsel on a temporary basis as the need may arise. (Ord. No. 452 §1, 2-1-00)

**SECTION 115.120:**

**CHIEF OF POLICE**

The Mayor, with the consent and approval of a majority of the members elected to the City Council, shall appoint a Chief of Police who shall serve at the pleasure of the Mayor and Council.  
(Ord. No. 452 §1, 2-1-00)

**SECTION 115.130:**

**DIRECTOR OF PUBLIC WORKS**

- A. The Mayor, with the consent and approval of a majority of the members elected to the City Council, shall appoint a Director of Public Works who shall serve at the pleasure of the Mayor and Council.
- B. It shall be the duty of the Director of Public Works to have supervision of the highways,

roads, abatement of nuisances, sidewalks, weed cutting and such other duties as the City Council shall prescribe; and shall recommend from time to time the establishment and maintenance of public parks and public playgrounds. The Director of Public Works shall supervise the system established by the

City for the collection and disposal of refuse, garbage and trash. (CC 1975 §2-38; Ord. No. 336 §§1-4; Ord. No. 349 §§1,2; Ord. No. 371 §§2-5; Ord. No. 398 §§2-5; Ord. No. 452 §1, 2-1-00)

**SECTION 115.140:**

**CODE ENFORCEMENT OFFICER**

- A. The Mayor, with the consent and approval of a majority of the members elected to the City Council, shall appoint a Code Enforcement Officer who shall serve at the pleasure of the Mayor and Council.
- B. It shall be the duty of the Code Enforcement Officer to have primary responsibility over enforcement of:
  - 1. All provisions of this Code or other ordinances regulating the building and other codes as adopted by the City.
  - 2. All provisions of this Code or other ordinances regulating planning and zoning.
  - 3. All provisions of this Code or other ordinances regulating the use of park or recreation properties owned or leased by the City.
- C. It shall be the further duty of the Code Enforcement Officer to have supervision of permits and inspections of all gas lines, construction, maintenance or planning of all sewers and sewerage disposal plants, electric light plants, water works, ice plants, parks and recreation facilities or any other like plants or establishments dealing in or with the public need, improvement or development.
- D. The Code Enforcement Officer shall have the authority to select, with the approval of the City Council, some suitable person experienced in the field of engineering or possessed of comparable training in the field of public utilities or housing to aid him/her in the discharge of his/her duties hereunder and to serve under such conditions and compensation, if any, as shall be approved by the City Council.
- E. The Code Enforcement Officer, in enforcing the provisions of any code of the City, and of any other State or local law, ordinance or regulation enforced by him/her pursuant to this Code, shall have the power to enter, examine and inspect, or cause to be examined and inspected, and to investigate, or cause to be investigated, vacant lots, yards, courts and buildings in this City to determine which are in violation of any provision of this Code or other City ordinance or threaten the safety, health, comfort and welfare of the people. (CC 1975 §2-39; Ord. No. 337 §§1-4; Ord. No. 346 Art. 22, §2; Ord. No. 351 §§1,2; Ord. No. 369 §§2-5; Ord. No. 396 §§2-5; Ord. No. 475 §§1-4; Ord. No. 452 §1, 2-1-00)

**SECTION 115.150:**

**BUDGET OFFICER—PREPARATION AND  
CONTENTS OF ANNUAL  
BUDGET—COOPERATION OF CITY PERSONNEL—PROPOSED  
EXPENDITURES NOT TO EXCEED EXPECTED REVENUES**

**PLUS**

**UNENCUMBERED BALANCES**

- A. The Budget shall be prepared under the direction of the Budget Officer. All officers and employees shall cooperate with and provide to the Budget Officer such information and such records as he/she shall require in developing the budget. The Budget Officer shall review all the expenditure requests and revenue estimates, after which he/she shall prepare the proposed budget as provided herein.

- B. After the Budget Officer has prepared the proposed budget, he/she shall submit it, along with such supporting schedules, exhibits, and other explanatory material as may be necessary for the proper understanding of the financial needs and position of the City, to the City Council. He/she shall submit at the same time complete drafts of such orders, motions, resolutions or ordinances as may be required to authorize the proposed expenditures and produce the revenues necessary to balance the proposed budget.
- C. The annual budget shall present a complete financial plan for the ensuing budget year and shall include at least the following information:
  - 1. A budget message describing the important features of the budget and major changes from the preceding year.
  - 2. Estimated revenues to be received from all sources for the budget year, with a comparative statement of actual or estimated revenues for the two (2) years next preceding, itemized by year, fund and source.
  - 3. Proposed expenditures for each department, office, commission and other classification for the budget year, together with a comparative statement of actual or estimated expenditures for the two (2) years next preceding, itemized by year, fund, activity and object.
  - 4. The amount required for the payment of interest, amortization and redemption charges on the debt of the political subdivision.
  - 5. A general budget summary.
- D. In no event shall the total proposed expenditures from any fund exceed the estimated revenues to be received plus any unencumbered balance or less any deficit estimated for the beginning of the budget year; provided, that nothing herein shall be construed as requiring the City to use any cash balance as current revenue or to change from a cash basis of financing its expenditures.
- E. The annual fiscal year for the City of Normandy is hereby established as October first (1st) to September thirtieth (30th). (CC 1975 §2-33; Ord. No. 433 §§1-2, 6-8-99)

*Cross Reference—As to investment policies, see ch. 155 of this code.*

#### **ARTICLE IV. CITY ADMINISTRATOR**

*Editor's note—Ord. no. 434 §1 adopted June 8, 1999 repealed ord. no. 3, 6-6-77, which made up part of this article. The remaining sections were superseded by this ord. no. 434 §2, which enacted the new provisions set out herein.*

#### **SECTION 115.160:**

#### **OFFICE OF CITY ADMINISTRATOR**

There is hereby created and established the office of the City Administrator of the City of

Normandy, Missouri. (Ord. No. 3 §1, 6-6-77; Ord. No. 434 §§1–2, 6-8-99)

**SECTION 115.170: APPOINTMENT AND TENURE**

Pursuant to the provisions of Section 77.042, RSMo., a qualified person shall be appointed City Administrator for the City of Normandy by the Mayor; such appointment shall be approved by a majority of the City Council. The person appointed shall serve an indefinite term. (Ord. No. 434 §§1–2, 6-8-99)

**SECTION 115.180: QUALIFICATIONS**

Pursuant to the provisions of Section 77.044, RSMo., the person appointed to the office of City Administrator shall be at least twenty-five (25) years of age at the effective date of appointment and shall be a graduate of an accredited university or college majoring in public administration, municipal administration, City planning, or a related field, or shall have the equivalent qualifications and experience in financial, administration, and/or public relations fields. The person appointed to the position of City Administrator need not be a resident of the City of Normandy at the time of appointment but shall become a resident of the City within six (6) months of the date of official appointment, unless this requirement is specifically waived by the City Council.  
(Ord. No. 434 §§1–2, 6-8-99)

**SECTION 115.181: BOND**

The City Administrator, before entering upon the duties of office, shall file with the City a bond in the amount of one hundred thousand dollars (\$100,000.00); such bond shall be approved by the City Council and such bond shall insure the City of Normandy for the faithful and honest performance of the duties of City Administrator and for rendering a full and proper account to the City of Normandy for funds and property which shall come into the possession or control of the City Administrator or over which the City Administrator may exercise supervision. The cost however, should the City Administrator be covered by a blanket bond insuring the City to the same extent, such individual bond shall not be required.  
(Ord. No. 434 §§1–2, 6-8-99)

**SECTION 115.182: COMPENSATION**

Pursuant to the provisions of Section 77.044(2), RSMo., the City Administrator shall receive such compensation and benefits as may be determined from time to time by the City Council and as may be included in the annual City budget or in an employment agreement. Such compensation shall be payable bi-weekly. (Ord. No. 434 §§1–2, 6-8-99)

**SECTION 115.190: REMOVAL OF CITY ADMINISTRATOR**

- A. The City Administrator shall serve at the pleasure of the appointing authority, the Mayor, with the consent of a majority of the City Council. The Mayor, with the consent of a majority of the City Council, may remove the City Administrator from office at will. Such



City Administrator may also be removed by a two-thirds ( $\frac{2}{3}$ ) vote of the City Council independently of the Mayor's approval or disapproval.

- B. If requested, the Mayor and City Council shall grant the City Administrator a public hearing within thirty (30) days following notice of such removal. After receipt of the notice of removal, the City Administrator shall be suspended from duty and the salary of the City Administrator shall continue

until the date of such public hearing. The salary of the City Administrator shall be continued for two (2) calendar months following the final removal date, provided however, that if the City Administrator be removed for acts of dishonesty or acts of moral turpitude, such salary shall not be continued. (Ord. No. 434 §§1–2, 6-8-99)

**SECTION 115.200:****DUTIES**

- A. *Administrative Officer.* Pursuant to Section 77.042, RSMo., the City Administrator shall be the Chief Administrative Assistant to the Mayor and as such shall be the Chief Administrative Officer of the City Government. Except as otherwise specified by ordinance or the laws of the State of Missouri, the City Administrator shall coordinate and generally supervise the operation of all departments of the City of Normandy and its employees.
- B. *Purchasing.* The City Administrator shall be the Purchasing Agent for the City of Normandy and shall be responsible for making all purchases for the City in accordance with ordinances and regulations regarding procurement and purchasing adopted by the City Council. The City Administrator shall supervise the preparation of all bid specifications for services and equipment and receive sealed bids for presentation and approval to the City Council.
- C. *Budget.* The City Administrator shall be the Budget Officer of the City of Normandy and shall assemble estimates of the financial needs and resources of the City for the ensuing year and shall prepare a program of activities within the financial resources of the City. The annual budget document shall also include a detailed capital improvement program for the City for the ensuing three (3) years. The proposed budget document shall be submitted to the City Council sixty (60) days before the beginning of the ensuing fiscal year and shall contain proper supporting schedules and an analysis for final approval.
- D. *Financial Reports.* The City Administrator shall make monthly reports to the Mayor and City Council relative to the financial condition of the City. The financial reports shall be of sufficient detail to relate the financial condition of the City to the adopted budget.
- E. *Annual Report.* The City Administrator shall prepare and present to the Mayor and City Council an annual report of the City's affairs, including in such report a summary of reports of department heads, financial status, status of major projects, and such other reports as the Mayor and City Council may require.
- F. *Personnel System.* The City Administrator shall act as the Personnel Officer of the City and shall recommend an appropriate position classification system and compensation plan to the Mayor and City Council. The City Administrator, after consultation with department heads, shall approve advancements and appropriate pay increases within the approved pay plans and position classification system. The City Administrator shall be responsible for enforcement of the personnel ordinances and regulations adopted by the City Council. The City Administrator shall appoint and remove all subordinate employees of the City of Normandy in accordance with the personnel system regulations approved by the City Council, with the exception of department heads. The City Administrator shall make recommendations for appointment and removal of department heads, which shall be subject to the approval of the Mayor and City Council.

- G. *Policy Formulation.* The City Administrator shall recommend to the Mayor and City Council adoption of such measures as the City Administrator deems necessary or expedient for the health, safety and welfare of the City or for the improvement of administrative services for the City.

- H. *City Council Agenda.* The City Administrator shall submit to the Mayor and City Council a proposed agenda for each City Council meeting at least forty-eight (48) hours before the time of the regular Council meeting.
- I. *Boards And Committees.* The City Administrator shall work with all City boards and committees to help coordinate the work of each, including preparation of agendas and meeting minutes and posting of timely notice of the meetings as required by law.
- J. *Attend City Council Meetings.* The City Administrator shall attend all meetings of the City Council, including closed meetings of the City Council, unless excused by the Council.
- K. *State And Federal Aid Programs.* The City Administrator shall be responsible for seeking and administering Federal and State assistance programs and funding sources that benefit the City of Normandy.
- L. *Conference Attendance.* The City Administrator shall attend State and regional conferences, seminars, programs and professional meetings applicable to the office and the business of the City of Normandy when such attendance is directed and approved by the City Council and Mayor subject to budgetary appropriations. The City Administrator shall serve as official representative of the City of Normandy as required.
- M. *Public Relations.* The City Administrator shall be responsible for keeping the public informed of the activities of the City and shall take measures to foster two-way communications between the City and its citizens utilizing available media resources and other methods of communication, including electronic resources.
- N. *Record Keeping.* The City Administrator shall keep full and accurate records of all actions taken in the course of the City Administrator's duties and he/she shall safely and properly keep all records and papers belonging to the City of Normandy and be open to inspection by the Mayor and City Council at all times.
- O. *Miscellaneous.* In addition to the foregoing duties, the City Administrator shall perform any and all other duties or functions directed by the Mayor and City Council.  
(Ord. No. 434 §§1–2, 6-8-99)

## **SECTION 115.210:**

## **POWERS**

- A. *City Property.* The City Administrator shall have responsibility for all real and personal property of the City of Normandy. The City Administrator shall have responsibility for all inventories of such property and for the upkeep of all such property. Personal property may be sold by the City Administrator only with approval of the City Council by resolution or ordinance.
- B. *Establish Administrative Policies.* The City Administrator shall be responsible for prescribing such rules and regulations as the City Administrator shall deem necessary or expedient for the conduct of authority. The City Administrator shall have the authority to revoke, suspend or amend any rule or regulation of the City except those prescribed by the City Council.

- C. *Coordinate Departments.* The City Administrator shall have the authority to coordinate the work of all the departments of the City and, at times of emergency, shall have the authority to assign the employees of the City to any department or function where they are needed for the most effective discharge of the functions of the City Government.

- D. *Investigate And Report.* The City Administrator shall have the power to investigate and to examine or inquire into the affairs or operation of any department or operation of the City under his jurisdiction and shall report on any condition or fact concerning the City Government with recommendations requested by the Mayor and City Council.
- E. *Coordinate Officials.* The City Administrator shall have the authority to overrule any action taken by a department head and may supersede the department head in the functions of the office when the City Administrator determines that such action is in the best interest of the City of Normandy. The City Administrator shall report such action to the Mayor in writing within twenty-four (24) hours of the City Administrator's action.
- F. *Appear Before The City Council.* The City Administrator shall have the authority to appear before and address the City Council at any meeting, but shall not have a vote.
- G. At no time shall the duties or powers of the City Administrator supersede the authority of or actions by the Mayor and City Council. (Ord. No. 434 §§1–2, 6-8-99)

**SECTION 115.220: INTERFERENCE BY MEMBERS OF THE CITY COUNCIL**

No member of the City Council shall directly interfere with the conduct of any department or duties of employees subordinate to the City Administrator except at the express direction of the City Council or with the approval of the City Administrator. Except for purposes of inquiry, communications by members of the City Council with operating departments of the City shall be through the City Administrator. (Ord. No. 434 §§1–2, 6-8-99)



**CHAPTER 116: TAX INCREMENT**

**FINANCING COMMISSION**

**SECTION 116.010: DEFINITIONS**

When used in this Chapter, the following words shall have the meaning indicated herein:

*ACT:* The Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 through 99.865, RSMo., as amended.

*CITY:* The Mayor and City Council of the City of Normandy, Missouri, acting in their official capacity.

*REDEVELOPMENT AREA:* An area designated by the City in respect to which the City, upon recommendation of its TIF Commission, has made a finding that there exist conditions which caused the area to be classified as a blighted area, a conservation area, an economic development area or a combination thereof.

*REDEVELOPMENT PLAN:* The comprehensive plan for redevelopment of an area intended by the payment of redevelopment costs to reduce or eliminate those conditions, the existence of which qualified the redevelopment area as a blighted area, a conservation area, an economic development area or a combination thereof, and thereby enhance the tax base of the taxing districts which extend into the redevelopment areas. Each redevelopment plan adopted shall conform to the requirements of Section 99.810 of the Act.

*REDEVELOPMENT PROJECT:* Any redevelopment project within a designated redevelopment area in furtherance of the objectives of the redevelopment plan.

*TIF COMMISSION:* The Tax Increment Financing Commission of the City of Normandy, Missouri, as authorized pursuant to Section 99.820 of the Act. (Ord. No. 496 §1, 12-4-01)

**SECTION 116.020: COMMISSION ESTABLISHED**

There is hereby established a commission to be known as the "Tax Increment Finance Commission of the City of Normandy, Missouri" ("TIF Commission"). All members of the Commission shall serve without compensation. (Ord. No. 496 §2, 12-4-01)

**SECTION 116.030: AUTHORITY**

The TIF Commission shall serve as an advisory body to the City as it relates to the consideration of tax increment financing proposals submitted by interested parties or initiated by any public agency in accordance with the Act. The TIF Commission shall hold public hearings and give notice pursuant to Sections 99.825 and 99.830 of the Act on proposed redevelopment plans, redevelopment projects and designation of redevelopment areas and amendments thereto. The TIF Commission shall vote on all proposed redevelopment plans, redevelopment projects and designations of redevelopment areas and



amendments thereto within thirty (30) days following completion of a hearing on any such plan, project, designation or amendment and shall make recommendations to the City within ninety (90) days of a hearing referred to in Section 99.825 of the Act concerning adoption of or amendment to redevelopment plans, redevelopment projects and/or designation of redevelopment areas.

(Ord. No. 496 §3, 12-4-01)

**SECTION 116.040: ORGANIZATION**

The TIF Commission shall elect from among its number a Chairman, Vice Chairman and Secretary. Meetings of the TIF Commission shall be open to the public to the extent provided by law and a record of each meeting shall be kept. The TIF Commission shall have the authority to establish rules and procedures not in conflict with City ordinances or policies or the Act and shall meet as required to fulfill its obligations set forth in the Act. (Ord. No. 496 §4, 12-4-01)

**SECTION 116.050: MEMBERSHIP**

Membership on the TIF Commission shall consist of two (2) classes of members: City appointees and other appointees. The TIF Commission shall be composed of twelve (12) persons of which six (6) shall be City appointees and six (6) shall be other appointees. Regardless of class, each member of the TIF Commission shall have one (1) vote on all matters properly before it and shall participate in all deliberations of the TIF Commission without differentiation. (Ord. No. 496 §5, 12-4-01)

**SECTION 116.060: APPOINTMENT OF CITY APPOINTEES**

- A. The City appointees shall be appointed by the Mayor with the consent and approval of the City Council. Any vacancies shall be filled for the unexpired terms in the same manner as were the original appointments.
- B. Terms of office for City appointees shall be for a term of four (4) years, except two (2) of the initial appointments shall be for a term of two (2) years and two (2) of the initial appointments shall be for a term of three (3) years from the date of initial appointment.
- C. The Mayor, subject to consent and approval of the City Council, may also appoint alternate members to serve in the absence of one (1) or more City appointees from time to time. Such alternate members may exercise the rights and perform the duties of the absent City appointee(s) at any meeting from which the City appointee(s) may be absent. Alternate members may also attend and participate in meetings of the Commission but may not exercise the right to vote except in the absence of one (1) or more City appointee(s). Alternate members shall be appointed for terms of four (4) years, except that the terms of initial alternate members shall be staggered in a fashion similar to that provided for City appointees above. (Ord. No. 496 §6, 12-4-01)

**SECTION 116.070: APPOINTMENT OF OTHER APPOINTEES**

- A. Other appointees shall be appointed in accordance with the Act when a redevelopment area, redevelopment plan or redevelopment project is proposed to be established or amended or at such earlier date as the City shall invite other affected taxing jurisdictions to do so. Three (3) of the other appointees shall be appointed by the County Executive with the consent of a majority of the County Council in accord with Section 99.820.2(6) of the Act, as amended. Two (2) of the other appointees shall be appointed by the Board of Education of the school

district(s) whose district(s) is (are) included within the redevelopment plan or redevelopment area in accord with Section 99.820.2(1) of the Act, as amended; such members shall be appointed in any manner agreed upon by such school districts. One (1) other appointee shall be appointed in accord with Section 99.820.2(2) of the Act, as amended, in any manner agreed to by the other affected taxing jurisdictions levying ad valorem taxes within the contemplated redevelopment area included in a redevelopment plan. The City shall not be considered a taxing jurisdiction for purposes of appointment of this other appointee.

- B. The term of office of the other appointees shall consist of the period of time from the time that the affected school district(s) and other affected taxing jurisdictions are notified in writing of a proposed redevelopment plan or designation of a redevelopment area until final approval or disapproval of the redevelopment plan, redevelopment project or designation of a redevelopment area by the City in response to an initiating proposal.
- C. In the event the appropriate appointing authority, affected school district(s), or other affected taxing jurisdictions shall fail to appoint other appointees within thirty (30) days of receipt of written notice of a proposed redevelopment plan, redevelopment project, designation of a redevelopment area or amendment thereto, the remaining City appointees and other appointees may proceed to exercise the power of the TIF Commission as it relates to proposals then before it. (Ord. No. 496 §7, 12-4-01)



## RECORDS POLICY

## CHAPTER 120: OPEN MEETINGS AND

### ARTICLE I. IN GENERAL

#### SECTION 120.010:

#### DEFINITIONS

As used in this Chapter, unless the context otherwise indicates, the following terms mean:

*CLOSED MEETING, CLOSED RECORD OR CLOSED VOTE:* Any meeting, record or vote closed to the public.

*COPYING:* If requested by a member of the public, copies provided in accord with the cost schedule established by this Article, if duplication equipment is available.

*PUBLIC BUSINESS:* All matters which relate in any way to performance of the City's functions or the conduct of its business.

*PUBLIC GOVERNMENTAL BODY:* Any legislative, administrative or governmental entity created by the Constitution or Statutes of this State, orders or ordinances of the City, judicial entities when operating in an administrative capacity, or by executive order, including:

1. Any advisory committee or commission appointed by the Mayor or City Council.
2. Any department or division of the City.
3. Any other legislative or administrative governmental deliberative body under the direction of three (3) or more elected or appointed members having rulemaking or quasi-judicial power.
4. Any committee appointed by or at the direction of any of the entities and which is authorized to report to any of the above-named entities, any advisory committee appointed by or at the direction of any of the named entities for the specific purpose of recommending, directly to the public governmental body's governing board or its Chief Administrative Officer, policy or policy revisions or expenditures of public funds.
5. Any quasi-public governmental body. The term "*quasi-public governmental body*" means any person, corporation or partnership organized or authorized to do business in this State pursuant to the provisions of Chapters 352, 353, or 355, RSMo., or unincorporated association which either:
  - a. Has as its primary purpose to enter into contracts with public governmental bodies, or to engage primarily in activities carried out pursuant to an agreement or agreements with public governmental bodies; or
  - b. Performs a public function, as evidenced by a statutorily or ordinance-based capacity to confer or otherwise advance through approval, recommendation or

other means, the allocation or issuance of tax credits, tax abatement, public debt, tax exempt debt, rights of eminent domain, or the contracting of lease-back agreements on structures whose annualized payments commit public tax revenues; or any association that directly accepts the appropriation of money from the City, but only to the extent that a meeting, record, or vote relates to such appropriation.

**PUBLIC MEETING:** Any meeting of a public governmental body subject to this Chapter at which any public business is discussed, decided, or public policy formulated, whether such meeting is conducted in person or by means of communication equipment, including, but not limited to, conference call, video conference, Internet chat or Internet message board. The term "*public meeting*" shall not include an informal gathering of members of a public governmental body for ministerial or social purposes when there is no intent to avoid the purposes of this Chapter, but the term shall include a public vote of all or a majority of the members of a public governmental body, by electronic communication or any other means, conducted in lieu of holding a public meeting with the members of the public governmental body gathered at one (1) location in order to conduct public business.

**PUBLIC RECORD:** Any record, whether written or electronically stored, retained by or of any public governmental body including any report, survey, memorandum, or other document or study

prepared for the public governmental body by a consultant or other professional service paid for in whole or in part by public funds, including records created or maintained by private contractors under an agreement with a public governmental body or on behalf of a public governmental body. The term "*public record*" shall not include any internal memorandum or letter received or prepared by or on behalf of a member of a public governmental body consisting of advice, opinions and recommendations in connection with the deliberative decision-making process of said body, unless such records are retained by the public governmental body or presented at a public meeting. Any document or study prepared for a public governmental body by a consultant or other professional service as described in this Chapter shall be retained by the public governmental body in the same manner as any other public record.

**PUBLIC VOTE:** Any vote, whether conducted in person, by telephone or by any other electronic means, cast at any public meeting of any public governmental body. (Ord. No. 537 §1, 9-7-04)

## **SECTION 120.020: MEETINGS, RECORDS AND VOTES TO BE PUBLIC—EXCEPTIONS**

All meetings, records and votes are open to the public, except that any meeting, record or vote relating to one (1) or more of the following matters, as well as other materials designated elsewhere in this Chapter, shall be closed unless the public governmental body votes to make them public:

1. Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public governmental body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action



clearly outweighs the public policy considerations of Section 610.011, however, the amount of any monies paid by, or on behalf of, the public governmental body shall be disclosed; provided however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record.

2. Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes

or vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate.

3. Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body shall be made available with a record of how each member voted to the public within seventy-two (72) hours of the close of the meeting where such action occurs; provided however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two (72) hour period before such decision is made available to the public. As used in this Subdivision, the term "*personal information*" means information relating to the performance or merit of individual employees.
4. Non-judicial mental or physical health proceedings involving an identifiable person, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment.
5. Testing and examination materials, before the test or examination is given or if it is to be given again, before so given again.
6. Welfare cases of identifiable individuals.
7. Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups.
8. Software codes for electronic data processing and documentation thereof.
9. Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid.
10. Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected.
11. Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such.
12. Records which are protected from disclosure by law.
13. Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest.
14. Records relating to municipal hotlines established for the reporting of abuse and wrongdoing.

15. Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to this Chapter.
16. Operational guidelines and policies developed, adopted or maintained by any public agency responsible for law enforcement, public safety, first (1st) response or public health for use in

responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. Nothing in this exception shall be deemed to close information regarding expenditures, purchases or contracts made by an agency in implementing these guidelines or policies. When seeking to close information pursuant to this exception, the agency shall affirmatively state in writing that disclosure would impair its ability to protect the safety or health of persons and shall in the same writing state that the public interest in non-disclosure outweighs the public interest in disclosure of the records. This exception shall expire and be of no further force or effect on December 31, 2008.

17. Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body and information that is voluntarily submitted by a non-public entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety.
  - a. Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open;
  - b. When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property and shall in the same writing state that the public interest in non-disclosure outweighs the public interest in disclosure of the records;
  - c. Records that are voluntarily submitted by a non-public entity shall be reviewed by the receiving agency within ninety (90) days of submission to determine if retention of the document is necessary in furtherance of a State security interest. If retention is not necessary, the documents shall be returned to the non-public governmental body or destroyed;
  - d. This exception shall expire and be of no further force or effect on December 31, 2008.
18. Records that identify the configuration of components or the operation of a computer, computer system, computer network or telecommunications network and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network or telecommunications network, including the amount of monies paid by, or on behalf of, a public governmental body for such computer, computer system, computer network or telecommunications network, shall be open.
19. Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this Section shall be

deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is by a public governmental body. (Ord. No. 537 §2, 9-7-04)

**SECTION 120.030: RECORDS PERTAINING TO INTERNAL INVESTIGATIONS AND INVESTIGATIONS OF ALLEGEDLY ILLEGAL CONDUCT**

In order to allow the fullest cooperation by employees and members of the public in investigation of matters wherein an employee of the City is alleged to have engaged in any form of misconduct, all files, records and documents relating to investigations of allegations of misconduct by City employees will be considered to be personnel records and shall be closed records under the custody of the respective department head.

**SECTION 120.040: RECORDS PERTAINING TO MEDICAL CONDITION OR HISTORY**

All information obtained by the City regarding medical examinations, medical condition or medical history of City employees or job applicants, if retained by the City, shall be collected and maintained on separate forms and in separate medical files and shall be treated as closed and confidential records, except that:

1. Supervisors and managers may be informed regarding necessary restrictions on the work duties of employees and necessary accommodations;
2. First aid and safety personnel may be informed, when appropriate, if the information reflects the existence of a disability which might require emergency treatment; or
3. Government officials investigating compliance with State or Federal law pertaining to treatment of persons with disabilities may be allowed access to such records.

**SECTION 120.050: RECORDS CONTAINING CONFIDENTIAL, PROPRIETARY OR PRIVATE INFORMATION—PENALTY FOR BREACH OF CONFIDENTIALITY OF CLOSED MATTERS**

- A. In order to protect reasonable expectations of privacy on the part of persons having dealings with the City, City records containing information or entries of a personal, confidential, private or proprietary nature, including, but not limited to, income, sales data, financial circumstances, household and family relationships, social security numbers, dates of birth, insurance information and other information which reasonable persons generally regard as private and not a customary subject for public discourse, which information or entries have been provided to the City by one complying with regulations requiring the disclosure of such information, shall be excised from copies of City records disclosed or provided to members of the public other than those persons to whom the information of entries pertain. Persons desiring access to information or entries excised from such records may file a supplementary written request with the City Clerk for disclosure of material to be specified in the request, which request should state:

1. Whether or not the requesting party has informed persons to whom the requested information pertains of the request; and

2. All reasons why the requesting party believes disclosure by the City of the specified information is in the public interest.
- B. The City Clerk may afford all interested parties, including the persons to whom the information pertains, a reasonable time within which to comment on the requested disclosure prior to acting further on the request. If an interested person objects to the disclosure of the requested information, the City Clerk may conduct a hearing at which all interested parties may be heard. At such hearing

the Clerk shall consider, among such other factors as may be reasonable and relevant:

1. The requirements and intent of State law, City ordinances and this policy;
2. The legitimate expectations of privacy on the part of interested parties;
3. The personal, confidential, private or proprietary nature of the information at issue;
4. Whether the information was obtained by the City under compulsion of law or was freely and voluntarily provided by the persons objecting to the disclosure; and
5. The public purposes to be served by disclosure of the requested information.

If the City Clerk determines that disclosure is legally required or would otherwise serve the best interests of the public and that such requirements or purpose outweigh the legitimate concerns or interest of the persons to whom the information pertains, the Clerk shall provide the requested information to the requesting party.

- C. In addition to or in lieu of the hearing described above, the City Clerk may afford all interested parties a reasonable opportunity to seek judicial review of or relief from the proposed disclosure. The City Clerk may also utilize the procedures for judicial determination and/or opinion solicitation provided in Section 120.120.
- D. Records and information that have been closed pursuant to the provisions of this Chapter, Chapter 610, RSMo., and other relevant State and Federal laws and regulations are to be treated as confidential by all employees and elected and appointed officials of the City. It shall be grounds for disciplinary action for any employee to:
  1. Violate the confidentiality relating to such records or information;
  2. Copy or remove closed and/or confidential information without the specific consent of the custodian thereof or in the normal course of performing such employee's duties for the City;
  3. Provide or discuss closed records or confidential information with any person other than as a necessary part of performing such employee's duties for the City; or
  4. Divulge, discuss or disclose information or records addressed in any closed meeting of a public governmental body, other than as a necessary part of performing such employee's duties for the City.

Elected and appointed officials are also expected to maintain the same strict standards of confidentiality required of employees. Breach of the confidentiality standards established by this Chapter and required of employees in this Section may be grounds for removal from office or other sanctions as may be deemed appropriate by the body of which such official is a member or by the City Council. (Ord. No. 537 §3, 9-7-04)

## **SECTION 120.060:**

## **NOTICES OF MEETINGS**



- A. All public governmental bodies shall give notice of the time, date and place of each meeting, and its tentative agenda, in a manner reasonably calculated to advise the public of the matters to be considered, and if the meeting will be conducted by telephone or other electronic means, the notice

of the meeting shall identify the mode by which the meeting will be conducted and the designated location where the public may observe and attend the meeting. If a public body plans to meet by Internet chat, Internet message board or other computer link, it shall post a notice of the meeting on its website in addition to its principal office and shall notify the public how to access that meeting. Reasonable notice shall include making available copies of the notice to any representative of the news media who requests notice of meetings of a particular public governmental body concurrent with the notice being made available to the members of the particular governmental body and posting the notice on the appropriate bulletin board at the City Hall or other prominent place which is easily accessible to the public and clearly designated for that purpose at the City Hall.

- B. Notice conforming with all of the requirements of Subsection (A) of this Section shall be given at least twenty-four (24) hours, exclusive of weekends and holidays when City Hall is closed, prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given.
- C. Each governmental body proposing to hold a closed meeting or vote shall give notice of the time, date and place of such closed meeting or vote and the reason for holding it by reference to a specific exception allowed pursuant to Section 120.020 hereof. The notice shall be the same as described in Subsection (A) herein.
- D. A formally constituted subunit of a parent governmental body may conduct a meeting without notice during a lawful meeting of the parent governmental body, a recess in that meeting, or immediately following that meeting, if the meeting of the subunit is publicly announced at the parent meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the parent governmental body. (Ord. No. 537 §4, 9-7-04)

#### **SECTION 120.070:**

#### **CLOSED MEETINGS, HOW HELD**

- A. Except as set forth in Subsection (C) of Section 120.060, no meeting or vote may be closed without an affirmative public vote of the majority of a quorum of the public governmental body. The vote of each member of the governmental body on the question of closing a public meeting or vote and the specific reason for closing that public meeting or vote by reference to a specific Section of this Chapter shall be announced publicly at an open meeting of the governmental body and entered into the minutes.
- B. Any meeting or vote closed pursuant to Section 120.020 shall be closed only to the extent necessary for the specific reason announced to justify the closed meeting or vote. Public governmental bodies shall not discuss any business in a closed meeting, record or vote which does not directly relate to the specific reason announced to justify the closed meeting or vote. Public governmental bodies holding a closed meeting shall close only an existing portion of the meeting facility necessary to house the members of the public governmental body in the closed session, allowing members of the public to remain to attend any subsequent open session held by the public governmental body following the closed session.
- C. In the event any member of a public governmental body makes a motion to close a meeting

or a record or a vote from the public and any other member believes that such motion, if passed, would cause a meeting, record or vote to be closed from the public in violation of any provision in Chapter 610, RSMo., or this Chapter, such latter member shall state his/her objection to the motion at or before the time the vote is taken on the motion. The public governmental body shall enter in the minutes of the public governmental body any objection made pursuant to this Subsection. Any member making such an objection shall be allowed to fully participate in any meeting, record or vote

that is closed from the public over the member's objection. In the event the objecting member also voted in opposition to the motion to close the meeting, record or vote at issue, the objection and vote of the member as entered in the minutes shall be an absolute defense to any claim filed against the objecting member pursuant to Chapter 610, RSMo. (Ord. No. 537 §5, 9-7-04)

**SECTION 120.080: JOURNALS OF MEETINGS AND RECORDS  
OF VOTING**

- A. Except as provided in Section 120.020, rules authorized pursuant to Article III of the Missouri Constitution and as otherwise provided by law, all votes shall be recorded, and if a roll call is taken, as to attribute each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the public governmental body. Any votes taken during a closed meeting shall be taken by roll call. All votes taken by roll call in meetings of a public governmental body consisting of members who are all elected, except for the Missouri General Assembly and any committee established by a public governmental body, shall be cast by members of the public governmental body who are physically present and in attendance at the meeting. When it is necessary to take votes by roll call in a meeting of the public governmental body, due to an emergency of the public body, with a quorum of the members of the public body physically present and in attendance and less than a quorum of the members of the public governmental body participating via telephone, facsimile, Internet or any other voice or electronic means, the nature of the emergency of the public body justifying that departure from the normal requirements shall be stated in the minutes. Where such emergency exists, the votes taken shall be regarded as if all members were physically present and in attendance at the meeting. All public meetings shall be open to the public and public votes and public records shall be open to the public for inspection and duplication.
- B. A journal or minutes of open and closed meetings shall be taken and retained by the public governmental body, including, but not limited to, a record of any vote taken at such meeting. The minutes shall include the date, time, place, members present, members absent and a record of votes taken. When a roll call vote is taken, the minutes shall attribute each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the public governmental body. (Ord. No. 537 §6, 9-7-04)

**SECTION 120.090: ACCESSIBILITY OF MEETINGS**

- A. Each meeting shall be held at a place reasonably accessible to the public and of sufficient size to accommodate the anticipated attendance by members of the public and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impractical. Every reasonable effort shall be made to grant special access to the meeting to handicapped or disabled individuals.
- B. When it is necessary to hold a meeting on less than twenty-four (24) hours' notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.

- C. A public body shall allow for the recording by audiotape, videotape or other electronic means of any open meeting. A public body may establish guidelines regarding the manner in which such recording is conducted so as to minimize disruption to the meeting. No audio recording of any meeting, record or vote closed pursuant to the provisions of Section 610.021, RSMo., shall be allowed without permission of the public body; any person who violates this provision shall be guilty

of an ordinance violation and punished by imprisonment for a period not to exceed fifteen (15) days, a fine not to exceed three hundred dollars (\$300.00) or by both such fine and imprisonment. (Ord. No. 537 §7, 9-7-04)

**SECTION 120.100:**

**SEGREGATION OF EXEMPT MATERIAL**

If a public record contains material which is not exempt from disclosure, as well as material which is exempt from disclosure, the custodian shall separate the exempt and non-exempt material and make the non-exempt material available for examination and copying in accord with the policies provided herein. When designing a public record the custodian shall, to the extent practicable, facilitate a separation of exempt from non-exempt information. If the separation is readily apparent to a person requesting to inspect or receive copies of the form, the custodian shall generally describe the material exempted unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption.

**SECTION 120.110:**

**CUSTODIAN DESIGNATED—RESPONSE TO  
REQUEST FOR ACCESS  
TO RECORDS**

- A. The City Clerk shall be the custodian of records and will be responsible for maintenance and control of all records. The custodian may designate deputy custodians in operating departments of the City and such other departments or offices as the custodian may determine. Deputy custodians shall conduct matters relating to public records and meetings in accord with the policies enumerated herein.
- B. The custodian shall provide public access to all public records as soon as possible, but no later than the end of the third (3rd) business day following the date the request is received by the custodian. If records are requested in a certain format, the public body shall provide the records in the requested format, if such format is available. If additional delay is necessary, the custodian shall give a detailed explanation for the delay and the place and earliest time and date the record will be available for inspection. This period for document production may exceed three (3) days for reasonable cause.
- C. If a request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for such denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester no later than the end of the third (3rd) business day following the date that the request for the statement is received.
- D. Any member of a public governmental body who transmits any message relating to public business by electronic means shall also concurrently transmit that message to either the member's public office computer or the custodian of records in the same format. The provisions of this Subsection shall only apply to messages sent to other members of that body so that, when counting the sender, a majority of the body's members are copied. Any such message received by the custodian or at the member's office computer shall be a public record subject, however, to the exceptions for closed records as provided by law. (Ord. No. 537 §8, 9-7-04)

**SECTION 120.120: PROCEDURES FOR RESOLVING QUESTIONS  
OF PUBLIC  
ACCESSIBILITY**

A public governmental body or record custodian in doubt about the legality of closing a particular

meeting, record or vote may, subject to approval by the City Council, bring suit at the expense of the public governmental body, in the Circuit Court for the County of St. Louis to ascertain the propriety of such action. In addition, subject to approval by the City Council, the public governmental body or custodian may seek a formal opinion of the Attorney General or an attorney for the City regarding the propriety of such action. In such events, the proposed closed meeting or public access to the record or vote shall be deferred for a reasonable time pending the outcome of the actions so taken.

**SECTION 120.130: DOCUMENT RETRIEVAL AND PHOTOCOPYING SERVICES—FEES**

- A. The custodian shall charge ten cents (\$.10) per page for a paper copy not larger than nine (9) by fourteen (14) inches plus an hourly fee for duplicating time not to exceed the average hourly rate of pay for clerical staff of the City. Research time required for fulfilling records requests may be charged at the actual cost of research time. Based on the scope of the request, the City shall produce the copies using employees of the City that result in the lowest amount of charges for search, research and duplication time. Prior to producing copies of the requested records, the person requesting the records may request the City to provide an estimate of the cost to the person requesting the records. The custodian shall receive (and may require) payment prior to duplicating documents.
- B. Fees for providing access to public records maintained on computer facilities, recording tapes or disks, videotapes or films, pictures, maps, slides, graphics, illustrations or similar audio or visual items or devices and for paper copies larger than nine (9) by fourteen (14) inches shall include only the cost of copies, staff time, which shall not exceed the average hourly rate of pay for staff of the City required for making copies and programming, if necessary, and the cost of the disk or tape or other medium used for the duplication. Fees for maps, blueprints or plats that require special expertise to duplicate may include the actual rate of compensation for the trained personnel required to duplicate such maps, blueprints or plats. If programming is required beyond the customary and usual level to comply with a request for records or information, the fees for compliance may include the actual costs of such programming. (Ord. No. 373 §1, 3-8-94; Ord. No. 480 §1, 2-6-01; Ord. No. 537 §9, 9-7-04)

**ARTICLE II. LAW ENFORCEMENT  
ARREST REPORTS AND RECORDS,  
INCIDENT REPORTS, ETC.**

**SECTION 120.140: DEFINITIONS**

As used in this Article, the following terms shall have the following definitions:

**ARREST:** An actual restraint of the person of the defendant, or by his/her submission to the custody of the officer, under authority of a warrant or otherwise for a criminal violation which results in the issuance of a summons or the person being booked.



*ARREST REPORT:* A record of a law enforcement agency of an arrest and of any detention or confinement incident thereto together with the charge therefor.

*INACTIVE:* An investigation in which no further action will be taken by a law enforcement agency or officer for any of the following reasons:

1. A decision by the law enforcement agency not to pursue the case.
2. Expiration of the time to file criminal charges pursuant to the applicable statute of limitations, or ten (10) years after the commission of the offense, whichever date earliest occurs.
3. Finality of the convictions of all persons convicted on the basis of the information contained in the investigative report, by exhaustion of or expiration of all rights of appeal of such persons.

*INCIDENT REPORT:* A record of a law enforcement agency consisting of the date, time, specific location, name of the victim and immediate facts and circumstances surrounding the initial report of a crime or incident, including any logs of reported crimes, accidents and complaints maintained by that agency.

*INVESTIGATIVE REPORT:* A record, other than an arrest or incident report, prepared by personnel of a law enforcement agency, inquiring into a crime or suspected crime, either in response to an incident report or in response to evidence developed by law enforcement officers in the course of their duties.

#### **SECTION 120.150:**

#### **POLICE DEPARTMENT RECORDS**

- A. The Police Department of the City shall maintain records of all incidents reported to the Police Department, and investigations and arrests made by the Police Department. All incident reports and arrest reports shall be open records. Notwithstanding any other provision of law other than the provisions of Subsection (C) of this Section or Section 320.083, RSMo., investigate reports of the Police Department are closed records until the investigation becomes inactive. If any person is arrested and not charged with an offense against the law within thirty (30) days of the person's arrest, the arrest report shall thereafter be a closed record except that the disposition portion of the record may be accessed except as provided in Section 120.170.
- B. Except as provided in Subsections (C) and (D) of this Section, if any portion of a record or document of a Police Department Officer or the Police Department, other than an arrest report, which would otherwise be open, contains information that is reasonably likely to pose a clear and present danger to the safety of any victim, witness, undercover officer, or other person; or jeopardize a criminal investigation, including records which would disclose the identity of a source wishing to remain confidential or a suspect not in custody; or which would disclose techniques, procedures or guidelines for Police Department investigations or prosecutions, that portion of the record shall be closed and shall be redacted from any record made available pursuant to this Chapter.
- C. Any person, attorney for a person, or insurer of a person involved in any incident or whose property is involved in an incident, may obtain any records closed pursuant to this Section or Section 120.170 for purposes of investigation of any civil claim or defense, as provided by this Subsection. Any individual, his/her attorney or insurer, involved in an incident or whose property is involved in an incident, upon written request, may obtain a complete unaltered

and unedited incident report concerning the incident, and may obtain access to other records closed by the Police Department pursuant to this Section. Within thirty (30) days of such request, the Police Department shall provide the requested material or file a motion pursuant to this Subsection with the Circuit Court having jurisdiction over the Police Department stating that the safety of the victim, witness or other individual cannot be reasonably ensured, or that a criminal investigation is likely to be jeopardized. Pursuant to Section 610.100(4), RSMo., if, based on such motion, the court finds for the Police Department, the court shall either order the record closed or order such portion of the record that should be closed to be redacted from any record made available pursuant to this Subsection.

- D. The victim of an offense as provided in Chapter 566, RSMo., may request that his/her identity be kept confidential until a charge relating to such incident is filed.

**SECTION 120.160: EFFECT OF NOLLE PROS, DISMISSAL AND  
SUSPENDED  
IMPOSITION OF SENTENCE ON RECORDS**

If the person arrested is charged but the case is subsequently nolle prossed, dismissed, or the accused is found not guilty, or imposition of sentence is suspended in the court in which the action is prosecuted, official records pertaining to the case shall thereafter be closed records when such case is finally terminated except that the disposition portion of the record may be accessed except as provided in Section 120.170. If the accused is found not guilty due to mental disease or defect pursuant to Section 552.030, RSMo., official records pertaining to the case shall thereafter be closed records upon such findings, except that the disposition may be accessed only by law enforcement agencies, child care agencies, facilities as defined in Section 198.006, RSMo., and in-home services provider agencies as defined in Section 660.250, RSMo., in the manner established by Section 120.170.

**SECTION 120.170: PUBLIC ACCESS OF CLOSED ARREST  
RECORDS**

- A. Records required to be closed shall not be destroyed; they shall be inaccessible to the general public and to all persons other than the defendant except as provided in this Section and Section 43.507, RSMo. They shall be available to the Sentencing Advisory Commission created in Section 558.019, RSMo., for the purpose of studying sentencing practices, and only to courts, law enforcement agencies, child care agencies, Department of Revenue for driving record purposes, facilities as defined in Section 198.006, RSMo., in-home services provider agencies as defined in Section 660.250, RSMo., the Division of Workers' Compensation for the purposes of determining eligibility for crime victims' compensation pursuant to Sections 595.010 to 595.075, RSMo., and Federal agencies for purposes of prosecution, sentencing, parole consideration, criminal justice employment, child care employment, nursing home employment and to Federal agencies for such investigative purposes as authorized by law or presidential executive order. These records shall be made available for the above purposes regardless of any previous statutory provision which had closed such records to certain agencies or for certain purposes. All records which are closed records shall be removed from the records of the Police Department and Municipal Court which are available to the public and shall be kept in separate records which are to be held confidential and, where possible, pages of the public record shall be retyped or rewritten omitting those portions of the record which deal with the defendant's case. If retyping or rewriting is not feasible because of the permanent nature of the record books, such record entries shall be blacked out and recopied in a confidential book.
- B. As used in this Section, the term "*child care*" includes providers and youth services agencies as those terms are defined in Section 43.540, RSMo., elementary and secondary school teachers, and elementary and secondary school bus drivers, whether such drivers are employed by a school or an entity which has contracted with the school to provide

transportation services.

**SECTION 120.180:**

**"911" TELEPHONE REPORTS**

Excepted as provided by this Section, any information acquired by the Police Department by way of a complaint or report of a crime made by telephone contact using the emergency number, "911", shall be inaccessible to the general public. However, information consisting of the date, time, specific location and immediate facts and circumstances surrounding the initial report of the crime

or incident shall be considered to be an incident report and subject to Section 120.150. Any closed records pursuant to this Section shall be available upon request by law enforcement agencies or the Division of Workers' Compensation or pursuant to a valid court order authorizing disclosure upon motion and good cause shown.

**SECTION 120.190: DAILY LOG OR RECORD MAINTAINED BY  
POLICE DEPARTMENT OF CRIMES, ACCIDENTS OR  
COMPLAINTS—PUBLIC ACCESS TO CERTAIN  
INFORMATION**

The City of Normandy Police Department, if it maintains a daily log or record that lists suspected crimes, accidents or complaints, shall make available the following information for inspection and copying by the public:

1. The time, substance, and location of all complaints or requests for assistance received by the Police Department;
2. The time and nature of the Police Department's response to all complaints or requests for assistance; and
3. If the incident involves an alleged crime or infraction:
  - a. The time, date and location of occurrence;
  - b. The name and age of any victim, unless the victim is a victim of a crime under Chapter 566, RSMo.;
  - c. The factual circumstances surrounding the incident; and
  - d. A general description of any injuries, property or weapons involved. (Ord. No. 537 §10, 9-7-04)



## **CHAPTER 125: CODE OF ETHICS AND CONFLICTS OF INTEREST**

### **SECTION 125.010: DEFINITIONS**

As used in this Chapter, the following terms shall have the following meanings:

**ADVERSARY PROCEEDING:** Any proceedings in which a record of the proceedings may be kept and maintained as a public record at the request of either party by a court reporter, notary public or some other person authorized to keep such record by law or any rule or regulation of the agency conducting the hearing; or from which an appeal may be taken directly or indirectly, or any proceeding from the decision of which any party may be granted, on request, a hearing de novo; or any arbitration proceeding; or a proceeding of a personnel review board; or an investigative proceeding initiated by an official, department, division or agency which pertains to matters which, depending on the conclusion of the investigation, could lead to a judicial or administrative proceeding being initiated against the party by the official, department, division or agency.

**BUSINESS ENTITY:** A corporation, association, firm, partnership, proprietorship or business entity of any kind or character.

**BUSINESS WITH WHICH ONE IS ASSOCIATED:**

4. Any sole proprietorship owned by oneself, one's spouse or any dependent children in one's custody;
5. Any partnership or joint venture in which one or one's spouse is a partner, other than as a limited partner of a limited partnership, and any corporation or limited partnership in which one is an officer or director or of which either one or one's spouse or dependent child in one's custody whether singularly or collectively owns in excess of ten percent (10%) of the outstanding shares of any class of stock or partnership units; or
6. Any trust in which one is a trustee or settlor or in which one or one's spouse or dependent child whether singularly or collectively is a beneficiary or holder of a reversionary interest of ten percent (10%) of more of the corpus of the trust.

**CITY:** The City of Normandy, Missouri.

**COMMISSION:** The Missouri Ethics Commission established pursuant to State law.

**CONFIDENTIAL INFORMATION:** All information whether transmitted orally or in writing which is of such a nature that it is not, at that time, a matter of public record or public knowledge.

**DECISION-MAKING PUBLIC SERVANT:** An official, appointee or employee of the offices or entities delineated in paragraphs (1) through (8) of this definition who exercises supervisory authority over the negotiation of contracts, or has the legal authority to adopt or vote on the adoption of rules and regulations with the force of law or exercises primary



supervisory responsibility over purchasing decisions. The following officials or entities shall be responsible for designating a decision-making public servant:

1. The governing body of the political subdivision with a general operating budget in excess of one million dollars (\$1,000,000.00);

2. A department director;
3. A judge vested with judicial power by Article V of the Constitution of the State of Missouri;
4. Any commission empowered by interstate compact;
5. A statewide elected official;
6. The speaker of the house of representatives;
7. The President Pro Tem of the Senate; or
8. The president or chancellor of a State institution of higher education.

*DEPENDENT CHILD OR DEPENDENT CHILD IN ONE'S CUSTODY:* All children, stepchildren, foster children and wards under the age of eighteen (18) residing in one's household and who receives in excess of fifty percent (50%) of their support from the individual.

*SUBSTANTIAL INTEREST:* Ownership by the individual, the individual's spouse, or the individual's dependent children, whether singularly or collectively, directly or indirectly, of ten percent (10%) or more of any business entity, or of an interest having a value of ten thousand dollars (\$10,000.00) or more, or the receipt by an individual, the individual's spouse or the individual's dependent children, whether singularly or collectively, of a salary, gratuity, or other compensation or remuneration of five thousand dollars (\$5,000.00), or more per year from any individual, partnership, organization, or association within any calendar year.

*SUBSTANTIAL PERSONAL OR PRIVATE INTEREST IN ANY MEASURE, BILL, ORDER OR ORDINANCE:* Any interest in a measure, bill, order or ordinance which results from a substantial interest in a business entity. (Ord. No. 327 §1, 9-10-91)

## **SECTION 125.020: PROHIBITED ACTIONS—ALL OFFICIALS AND EMPLOYEES**

No elected or appointed official or employee of the City shall:

1. Act or refrain from acting in any capacity in which one is lawfully empowered to act as an official or employee by reason of any payment, offer or pay, promise to pay, or receipt of anything of actual pecuniary value paid or payable, or received or receivable, to oneself or any third (3rd) person, including any gift or campaign contribution, made or received in relationship to or as a condition of the performance of an official act, other than compensation to be paid by the City;
2. Use confidential information obtained in the course of or by reason of one's employment or official capacity in any manner with intent to result in financial gain for oneself, one's spouse, dependent child in one's custody, or any business with which one

is associated;

3. Disclose confidential information obtained in the course of or by reason of one's employment or official capacity in any manner with intent to result in financial gain for oneself or any other person;
4. Favorably act on any matter that is so specifically designed so as to provide a special monetary benefit to such employee or official or the employee's or official's spouse or dependent

children, including but not limited to increases in retirement benefits, whether received from the City or any third (3rd) party by reason of such act. For the purposes of this Section, "*special monetary benefit*" means being materially affected in a substantially different manner or degree than the manner or degree in which the public in general will be affected or, if the matter affects only a special class of persons, then affected in a substantially different manner or degree than the manner or degree in which such class will be affected. In all such matters such officials or employees must recuse themselves from acting and shall not be relieved by reason of the provisions of Section 125.090 below, except that such official or employee may act on increases in compensation subject to the restrictions of the Missouri Constitution; or

5. Use one's decision-making authority for the purpose of obtaining a financial gain which materially enriches oneself, one's spouse or dependent children by acting or refraining from acting for the purpose of coercing or extorting from another anything of actual pecuniary benefit. (Ord. No. 327 §2, 9-10-91)

**SECTION 125.030: PROHIBITED ACTIONS—EXECUTIVE OR  
ADMINISTRATIVE  
OFFICIALS AND EMPLOYEES**

No elected or appointed official or employee of the City, serving in an executive or administrative capacity, shall:

1. Perform any service for the City or for any agency of the City over which the officer or employee has supervisory power for receipt of any compensation, other than the compensation provided for the performance of one's official duties, in excess of five hundred dollars (\$500.00) per annum, except on transactions made pursuant to an award on a contract let or sale made after public notice and competitive bidding, provided that the bid or offer is the lowest received;
2. Sell, rent or lease any property to the City or to any agency of the City over which the officer or employee has supervisory power and received consideration therefor in excess of five hundred dollars (\$500.00) per year unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received;
3. Participate in any matter, directly or indirectly, in which the officer or employee attempts to influence any decision of the City or any agency of the City over which the officer or employee has supervisory power, when the officer or employee knows the result of such decision may be the acceptance of the performance of a service or the sale, rental or lease of any property to the City or that agency for consideration in excess of five hundred dollars (\$500.00) value per annum to the officer or employee, to his/her spouse, to a dependent child in his/her custody or to any business with which the officer or employee is associated, unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received;

4. Perform any services during the time of his/her office or employment for any consideration from any person, firm or corporation, other than the compensation provided for the performance of his/her official duties, by which service he/she attempts to influence a decision of any agency of the State, or of any political subdivision in which he/she is an officer or employee or over which he/she has supervisory power;

5. Perform any service for consideration, during one (1) year after termination of his/her office or employment, by which the officer or employee attempts to influence a decision of the City or any agency of the City over which the officer or employee had supervisory power, except that this provision shall not be construed to prohibit any person from performing such service and receiving compensation therefor, in any adversary proceeding or in the preparation or filing of any public document or to prohibit an employee of one (1) department or agency of the City from being employed by another department or agency of the City; or
6. Perform any service for any consideration for any person, firm or corporation after termination of the officer's term or the employee's employment in relation to any case, decision, proceeding or application with respect to which the officer or employee was directly concerned or in which the officer or employee personally participated during the period of his/her service or employment. (Ord. No. 327 §3, 9-10-91)

**SECTION 125.040: PROHIBITED ACTS—MEMBERS OF THE CITY COUNCIL**

**A. No member of the City Council shall:**

1. Perform any service for the City or any agency thereof for any consideration other than the compensation provided for the performance of one's official duties; or
2. Sell, rent or lease any property to the City or any agency of the City for consideration in excess of five hundred dollars (\$500.00) per annum unless the transaction is made pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received; or
3. Attempt, for any compensation other than the compensation provided for the performance of one's official duties, to influence the decision of any agency of the City on any matter; except that this provision shall not be construed to prohibit such person from participating for compensation in any adversary proceeding or in the preparation or filing of any public document or conference thereon; or

**B. No sole proprietorship, partnership, joint venture, or corporation in which any member of the City Council is a sole proprietor, a partner having more than ten percent (10%) partnership interest, or a coparticipant or owner of in excess of ten percent (10%) of the outstanding shares in any class of stock, shall:**

1. Perform any service for the City or any agency thereof for any consideration in excess of five hundred dollars (\$500.00) per annum unless the transaction is made pursuant to an award on a contract let after public notice and competitive bidding, provided that the bid or offer accepted is the lowest received; or
2. Sell, rent or lease any property to the City or any agency of the City where the consideration is in excess of five hundred dollars (\$500.00) per annum unless the transaction is made pursuant to an award on a contract let or sale made after public

notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received. (Ord. No. 327 §4, 9-10-91)

**SECTION 125.050:**

**DISCLOSURE OF INTEREST REQUIRED**

- A. Any member of the City Council who has a substantial personal or private interest in any measure, bill, order or ordinance proposed or pending before the City Council, shall, before passing on the measure, bill, order or ordinance, file a written report of the nature of the interest with the City Clerk and such statement shall be recorded in the minutes of the meeting.
- B. Any member of the City Council shall be deemed to have complied with the requirements of this Section if he/she has filed, at any time before passing on such measure, bill, order or ordinance, a financial interest statement pursuant to Section 125.090 below, which discloses the basis for his/her substantial personal or private interest or interests that he/she may have therein. Any member may amend his/her financial interest statement to disclose any subsequently acquired substantial interest at any time before he/she passes on any measure, bill, order or ordinance, and shall be relieved of the provisions of Subsection (A) of this Section. (Ord. No. 327 §5, 9-10-91)

**SECTION 125.060:**

**PROHIBITED ACTS—PERSONS WITH RULEMAKING AUTHORITY**

- A. No member of any agency of the City who is empowered to adopt a rule or regulation, other than rules and regulations governing the internal affairs of the agency, or who is empowered to fix any rate, adopt zoning or land use planning regulations or plans, or who participates in or votes on the adoption of any such rule, regulation, rate or plan, shall:
  - 1. Attempt to influence the decision or participate, directly or indirectly, in the decision of the agency of which he/she is a member when he/she knows the result of such decision may be the adoption of rates or zoning plans by the agency which may result in a direct financial gain or loss to such member, the member's spouse or a dependent child in the member's custody or to any business with which the member is associated; or
  - 2. Perform any service, during the member's term, for any person, firm or corporation for compensation other than the compensation provided for the performance of the member's official duties, if by the performance of the service the member attempts to influence the decision of the agency of which he/she is a member; or
  - 3. Perform for one (1) year after termination of the member's term any service for compensation for any person, firm or corporation to influence the decision or action of the agency with which he/she served as a member; provided however, that he/she may, after termination of his/her office or employment, perform such service for consideration in any adversary proceeding or in the preparation or filing of any public document or conference thereon unless he/she participated directly in that matter or in the receipt or analysis of that document while serving as a member.
- B. No such member or any business with which such member is associated shall knowingly perform any service for, or sell, rent or lease any property to any person, firm or corporation which has participated in any proceeding in which the member adopted, participated in the



adoption or voted on the adoption of any rate or zoning plan or the granting or revocation of any license during the preceding year and received therefor in excess of five hundred dollars (\$500.00) per annum except on transactions pursuant to an award on a contract let or sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received. (Ord. No. 327 §6, 9-10-91)

**SECTION 125.070: PROHIBITED ACTS—PERSONS IN JUDICIAL OR QUASI-JUDICIAL POSITIONS**

- A. No person serving in a judicial or quasi-judicial capacity shall participate in such capacity in any proceeding in which:
1. He/she knows that a party is any of the following: His/her great-grandparent, grandparent, parent, stepparent, guardian, foster parent, spouse, former spouse, child, stepchild, foster child, ward, niece, nephew, brother, sister, uncle, aunt, or cousin, or any firm or corporation in which he/she has an ownership interest, or any trust in which he/she has any legal, equitable or beneficial interest; or
  2. He/she knows the subject matter is such that he/she may receive a direct or indirect financial gain from any potential result of the proceeding, except that no provision of this Subsection shall be construed to prohibit him/her from participating in any proceeding by reason of the fact that the City or any agency of the City, is a party.
- B. No provision of this Section shall be construed to prohibit him/her from entering an order disqualifying himself/herself or transferring the matter to another court, body or person for further proceedings. (Ord. No. 327 §7, 9-10-91)

**SECTION 125.080: EXCEPTIONS**

- A. No provision of this Chapter shall be construed to prohibit any person from performing any ministerial act or any act required by order of a court or law to be performed.
- B. No provision of this Chapter shall be construed to prohibit any person from communicating with the office of the Attorney General or any prosecuting attorney or any attorney for the City concerning any prospective claim or complaint then under consideration not otherwise prohibited by law.
- C. No provision of this Chapter shall be construed to prohibit any person, firm or corporation from receiving compensation for property taken by the City under the power of eminent domain in accord with the provisions of the Missouri Constitution, the laws of the State of Missouri or the ordinances of the City. (Ord. No. 327 §8, 9-10-91)

**SECTION 125.090: DISCLOSURE OF CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS**

- A. *Definitions.* For purposes of this Section, the following terms shall have the following meanings:

**CHIEF ADMINISTRATIVE OFFICER AND CHIEF PURCHASING OFFICER:** The Mayor of the City of Normandy; or the City Clerk as one or both officer(s).

**ELECTED OFFICIAL:** Each person elected to a City office by the voters of the City for a

portion thereof.

*FULL-TIME GENERAL COUNSEL:* The City Attorney, but only if employed by the City under such terms that he/she is precluded from providing legal services to any person or entity other than the City.

***OFFICIALS OR EMPLOYEES AUTHORIZED TO PROMULGATE OR VOTE ON RULES AND REGULATIONS WITH THE FORCE OF LAW:*** The members of the City Council and such other board, agency or commission members designated from time to time by the City Council as having been specifically delegated such authority.

- B. *Disclosure Statements.* Each elected official, the Chief Administrative Officer of the City, the Chief Purchasing Officer of the City and Officials or employees authorized to promulgate or vote on rules and regulations with the force of law shall disclose in writing the following information by May first (1st) of each year if any such transactions occurred during the previous calendar year:
1. For such person, and all persons within the first (1st) degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars (\$500.00), if any, that such person had with the City, other than compensation received as an employee of the City or payment of any tax, fee or penalty due to the City, and other than transfers for no consideration to the City.
  2. The date and identities of the parties to each transaction known to any such person with a total value in excess of five hundred dollars (\$500.00), if any, that any business entity in which such person had a substantial interest, had with the City, other than the payment of any tax, fee or penalty due to the City or transactions involving payment for providing utility service to the City, and other than transfers for no consideration to the City.
- C. *Financial Interest Statements.* By May first (1st) of each year the following information for the previous year must be disclosed by the Chief Administrative Officer and the Chief Purchasing Officer. In addition, any other elected or appointed official of the City may file a financial interest statement in lieu of compliance with the requirements of Section 125.050 above.
1. The name and address of each of the employers of such person from whom income of one thousand dollars (\$1,000.00) or more was received during the year covered by the statement; and
  2. The name and address of each sole proprietorship owned by such person;
  3. The name, address and general nature of business conducted by each general partnership and joint venture in which such person was a partner or participant;
  4. The name and address of each partner or coparticipant for each partnership or joint venture identified according to the preceding Subsection, unless such names and addresses are filed by the partnership or joint venture with the Missouri Secretary of State;
  5. The name, address and general nature of the business conducted by any closely held corporation or limited partnership in which such person owned ten percent (10%) or more of any class of the outstanding stock or limited partnership units;

6. The name of any publicly traded corporation or limited partnership that is listed on any publicly regulated stock exchange or automated quotation system in which such person owned two percent (2%) or more of any class of outstanding stock, limited partnership units or other equity interests;
7. The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.

- D. Financial interest statements shall be filed at the following times, but no person shall be required to file more than one (1) financial interest statement in any calendar year:
1. Every person required to file a financial interest statement shall file the statement annually not later than May first (1st) and the statement shall cover the calendar year ending the immediately preceding December thirty-first (31st); provided that any person may supplement their financial interest statement to report additional interests acquired after December thirty-first (31st) of the covered year until the date of filing of the financial interest statement.
  2. Each person appointed to an office for which a financial interest statement is required by this Section shall file the statement within thirty (30) days of such appointment or employment.
  3. Financial interest statements shall be filed with the City Clerk and with the Missouri Ethics Commission. All reports shall be available for public inspection and copying during normal business hours of the City Hall. (Ord. No. 327 §9, 9-10-91)

**CHAPTER 130: BOARDS AND COMMISSIONS**

*Cross Reference—As to planning and zoning commission, see ch. 400.*

**ARTICLE I. PARK ADVISORY BOARD**

*Cross Reference—As to park regulations, see ch. 240.*

**SECTION 130.010: CREATION—COMPOSITION—MEMBERSHIP**

There shall be created a Park Advisory Board. The Board shall consist of six (6) members to be appointed by the Mayor with the approval of the City Council. The term of each member shall be for four (4) years, except that three (3) members shall be appointed whose term shall expire April 20, 1982, and three (3) members appointed whose term shall expire April 24, 1984, thereafter three (3) members shall be appointed for a full four (4) year term, but all members shall hold office until their successors are appointed and qualified. All members shall serve without compensation.

(Ord. No. 105 §1, 7-8-80)

**SECTION 130.020: OBJECTIVES**

The Park Board shall act in an advisory capacity. Its functions and duties shall be to suggest ways, methods and means to help maintain and prepare the parks for the general use and enjoyment of the citizens of Normandy; to promote and create a climate that would encourage greater use of the parks; and encourage greater family recreational use of all park facilities located in Normandy by citizens of Normandy. (Ord. No. 105 §2, 7-8-80)

**SECTION 130.030: DUTIES**

In order to accomplish the objectives herein set out, the Park Advisory Board shall advise the Mayor, City Council and other officers on problems affecting the use and maintenance of the parks. It shall make studies, and investigations to provide accurate information to the Mayor and Council and other officers for the proper maintenance of Parks. The Board shall suggest and take every opportunity to encourage community support for the proper utilization of the parks.

(Ord. No. 105 §3, 7-8-80)

**SECTION 130.040: ORGANIZATION**

- A. The Park Board shall elect its Chairman from among its members and create and fill such other officers as it may determine. The term of Chairman shall be for one (1) year and he/she shall be eligible for re-election.

- B. The Board shall hold at least one (1) regular meeting each month. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations. The Mayor shall be an ex-officio member of said Board, but may only vote in case of a tie on any matters. (Ord. No. 105 §4, 7-8-80)



**SECTIONS 130.050–130.090: RESERVED**

**ARTICLE II. HISTORIC PRESERVATION**

**COMMISSION**

**SECTION 130.100: ESTABLISHED**

There is hereby established a Historic Preservation Commission of the City, which shall be an advisory body to the City Council, with respect to matters of historic significance and its study of buildings and structures in the City which have historic or architectural significance. (Ord. No. 580 §1, 6-5-07)

**SECTION 130.110: COMPOSITION–APPOINTMENT**

- A. The Historic Preservation Commission shall consist of nine (9) members appointed by the Mayor with the approval of the City Council. Members shall serve for a term of three (3) years; except that the initial appointees shall serve for staggered terms such that three (3) members shall be appointed to serve a one (1) year term, three (3) shall be appointed to serve a two (2) year term and three (3) shall be appointed to serve a three (3) year term. Thereafter, all members shall be appointed to serve a term of three (3) years, except that vacancies shall be filled only for the remainder of the term vacated.
- B. One (1) member shall be designated by the Mayor, with the approval of the City Council, as Chairman of the Commission. The Chairman shall serve a term of one (1) year in such capacity and may be reappointed to one (1) or more successive terms as Chairman.
- C. In addition, the Mayor, with the consent of a majority of the City Council, shall appoint a member of the City Council and a member of the Planning and Zoning Commission to serve as liaisons to their respective bodies. The liaison members shall not vote and shall not hold office. Liaison appointees shall be appointed for a term of one (1) year. The Mayor shall also serve as an ex officio member of the Commission. Liaison members and the Mayor shall have the right to participate in the business and discussions of the Commission but shall not have the right to vote on any question.
- D. Then terms of all members and liaison appointees and the term of the Chairman as such shall expire on May first (1st) of the respective year.
- E. Members shall be residents of the City and shall, to the extent practicable, be persons who have some experience in historic research or who are experienced or interested in the field of architecture and/or preservation or who are interested in the study and development of local history, either in the City or elsewhere. (Ord. No. 580 §1, 6-5-07)

**SECTION 130.120: COMPENSATION**

Commission members shall serve without compensation. (Ord. No. 580 §1, 6-5-07)



**SECTION 130.130: MEMBERS SUBJECT TO REMOVAL**

Members of the Commission shall be subject to removal in the same manner as other appointed officials pursuant to Section 115.080 of this Code of Ordinances. (Ord. No. 580 §1, 6-5-07)

**SECTION 130.140: RULES OF PROCEDURE**

The Commission shall act in accordance with State law and the ordinances of the City. A quorum of the Commission shall consist of five (5) members, exclusive of the Mayor or liaison appointees. The Commission shall conduct all proceedings in accordance with Missouri's Sunshine Law, Chapter 610, RSMo., and the City's policy relating to open meetings and records. However, the Commission may establish rules of procedure not inconsistent with any applicable law or ordinance. (Ord. No. 580 §1, 6-5-07)

**SECTION 130.150: PURPOSE OF COMMISSION**

The purpose of the Historic Commission is to:

1. Promote and encourage historic research with respect to the City;
2. To foster and promote public knowledge of and interest in the history of the City, as well as other local and national history;
3. To study all buildings and structures located in the City which have historic or architectural significance; and
4. To make recommendations to the City Council relating to acquisition of historic sites, possible regulations to preserve and protect landmark buildings and sites and other places of historic interest and the marking of places of historic interest with suitable monuments, plaques or markers. (Ord. No. 580 §1, 6-5-07)

**SECTION 130.160: DUTIES AND RESPONSIBILITIES**

The duties and responsibilities of the Commission include:

1. The Commission shall conduct or cause to be conducted a survey of the historic, architectural and archaeological resources within the community. Survey and inventory documents shall be maintained at City Hall and shall be open to the public. The survey shall be updated at least every ten (10) years. The Commission shall also periodically make a report and presentation to the City Council with regard to subjects in accordance with its purpose stated above.
2. The Commission shall work with and advise the Mayor, the City Council and other City Officials with regard to all proposed National Register nominations for properties within the boundaries of the City.

3. The Commission may utilize area resources, such as historic societies, landmark or historic commissions and other similar agencies within the City of Normandy, the County of St. Louis, the State of Missouri and Federal agencies of a similar nature, in order to fulfill its purpose as set forth in this Article.

- In making its recommendation, the Commission shall give consideration to and take into account the age, design, period of construction, aesthetic value, past use, historic significance, unusual nature, point of location or other recognized or generally accepted criteria for determination.

Each such recommendation shall be delivered to the Zoning and Planning Commission and the City Council in writing and state the reasons for such recommendation. (Ord. No. 580 §1, 6-5-07)

<b>SECTION 130.170:</b>	<b>DESIGNATION</b>	<b>OF</b>	<b>LANDMARK</b>	<b>OR</b>
	<b>HISTORIC DISTRICT</b>			

Whenever a building or structure has been officially designated as a landmark by the City

Council or whenever an area has been officially designated as a historic district by the City Council, the Commission may advertise and promote such designation. (Ord. No. 580 §1, 6-5-07)

# PERMIT FOR DEMOLITION, NEW CONSTRUCTION, ALTERATION, REPAIRS OR RESTORATION OF LANDMARK

- A. No permit for the demolition, material alteration, substantial modification or other change shall be issued by the City for any landmark designated by the City Council, until the plans and specifications upon which the application for such permit are based, shall have first been submitted to the Historic Commission for its recommendation.
- B. Upon submission to the Commission of any such application for a permit, the Commission shall have a maximum of thirty (30) days in which to study and review such application and the plans and specifications upon which such application is based and to confer with the owner, occupant or other person having an interest in such building or structure for the purpose of making suggestions and recommendations with respect to any and all means or methods considered feasible and proper for the preservation of such landmark.
- C. When considering such plans and specifications for new construction, alteration, repairs or restoration, the Commission shall use the United States Secretary of the Interior's Standards for Rehabilitation as guidelines in making its recommendations. In addition, the Commission shall consider any other guidelines for local historic districts and local historic buildings that have been enacted by ordinance of the City Council. The Commission shall consider whether the site, structure or area in question may be preserved and maintained in a state which will not deface, mar, materially alter or destroy, in whole or in part, the historic significance or aesthetic value of such.
- D. The Commission's recommendation is advisory only. In the event that a permit is denied by the appropriate official of the City, such denial shall be subject to review as otherwise provided by law.
- E. All permit applications subject to review by the Historic Commission shall be held as pending by the issuing authority and no permit shall be issued during the thirty (30) day review period afforded to the Commission. (Ord. No. 580 §1, 6-5-07)





## **CHAPTER 135: PERSONNEL**

*Editor's Note—Ord. no. 455 §1, adopted March 7, 2000, repealed this chapter and enacted the new provisions set out herein. Former ch. 135 derived from ord. no. 207 §§1–18, 3-13-84; ord. no. 221 §1, 7-17-84; ord. no. 223 §§1–2, 9-4-84; ord. no. 231 §1, 2-12-85; ord. no. 239 §1, 9-10-85; ord. no. 255 §§1–2, 12-9-86; ord. no. 269 §1, 5-12-87; ord. no. 324 §§1–2, 7-9-91; ord. no. 330 §1, 10-8-91; ord. no. 402 §1, 8-13-96. Subsequently, ord. no. 498 §1, adopted January 8, 2002, repealed this chapter and enacted the new provisions set out herein. Former ch. 135 derived from ord. no. 455 §1, 3-7-00.*

*Editor's Note—Subsequently, ord. no. 603 §1, adopted February 3, 2009, repealed ch. 135 "personnel" and enacted new provisions set out herein. Former ch. 135 derived from ord. no. 498 §1, 1-8-02.*

### **SECTION 135.010:**

#### **EQUAL EMPLOYMENT OPPORTUNITY**

The Council of the City of Normandy declares and reaffirms to its employees and to the public that it is committed to a policy of equal employment based upon qualifications and merit, without discrimination because of race, color, religious creed, national origin, sex, age, ancestry, handicap, sexual orientation or status in any other classification whose consideration is prohibited by law. (Ord. No. 603 §1, 2-3-09)

### **SECTION 135.020:**

#### **AT WILL EMPLOYMENT—MERIT SYSTEM ADOPTED FOR POLICE OFFICERS**

The City of Normandy is a Third Class City under Missouri law. Consistent with that status, all employees, except Police Officers as hereinafter provided, are employees at will who serve at the pleasure of the City. Nothing in these personnel regulations or any ordinance, rule or policy of the City shall be interpreted or applied in any way that is not consistent with at will employment. Pursuant to the provisions of Section 85.541, RSMo., the City adopts a merit system Police Department with respect to employment of Police Officers of the City of Normandy other than the Chief of Police. (Ord. No. 603 §1, 2-3-09)

### **SECTION 135.030:**

#### **PERSONNEL BOARD**

There is hereby established a Personnel Board for the City of Normandy to perform the duties prescribed herein and in Section 5.541, RSMo., 2000.

1. The Personnel Board shall be composed of four (4) members. Members of the Personnel Board shall be appointed by the Mayor with the consent of the majority of the members of the City Council. Of the initial four (4) members, two (2) shall be appointed for a term of one (1) year, two (2) for a term of two (2) years. The Mayor, with the consent of the majority of the members of the Council, shall fill vacancies for

any unfinished term. A member of the Personnel Board may be removed from office for cause in the same manner as prescribed by City Code for the removal of appointed officers. Members of the Personnel Board shall serve until their successors shall have been appointed and qualified.

2. Each member of the Personnel Board shall be at least twenty-one (21) years of age and shall have been a resident of the City of Normandy for at least one (1) year prior to appointment and

shall be a resident of the City during the term of office.

3. The Personnel Board at its first (1st) meeting of each calendar year shall elect one (1) of its members as Chairman who shall serve during that calendar year. The Personnel Board shall adopt rules governing its operation and file a copy of the same with the Mayor and City Council for approval.
4. The Personnel Board shall meet at least annually during the month of January and as necessary thereafter at the call of the Chairman. All meetings of the Personnel Board shall be open to the public except when an employee appealing a personnel action shall request that an appeal hearing be closed pursuant to Chapter 610, RSMo.
5. The Personnel Board or its designee(s) shall be required to give examinations to candidates for appointment or promotion in the Police Department and to certify lists of eligibles to the Mayor or other appointing authority. The Mayor or other appointing authority shall be required to appoint or promote from a list of eligibles so certified.
6. Any Police Officer suspended, demoted or discharged for misbehavior or inefficiency shall, upon his application, be granted a public hearing before the Personnel Board, subject to and in accord with rules and procedures established by the Personnel Board and the personnel policies of the City. (Ord. No. 603 §1, 2-3-09)

**SECTION 135.040:**

**WORKWEEK/SHIFT ESTABLISHED**

The standard workweek for all general employees, except exempt employees and part-time employees, shall be eight (8) hours per day, five (5) days per week. The City, in accord with the provisions of 29 USC Section 207(k), hereby adopts a twenty-eight (28) day work period for Police Officers and law enforcement employees and hereby elects to be subject to the partial FLSA exemption for such employees as permitted under Section 207(k). Subject to such partial exemption, the standard work shift for all non-exempt Police Officers shall be either twelve (12) or ten (10) hours per day, depending on assignment. Department heads in all departments are empowered to work employees for shorter periods of time when conditions warrant. (Ord. No. 603 §1, 2-3-09)

**SECTION 135.050:**

**FEDERAL SOCIAL SECURITY**

- A. It is hereby declared the policy and purpose of the City to extend to eligible employees and officials of the City who are not excluded by law or by this Chapter and provide such methods of administration of such plan and agreement as may be required by all applicable State and Federal laws, rules and regulations now and hereafter in effect with respect to the extension of the benefits of the Federal Old Age and Survivors Insurance system to the employees and officials of the City. For the purpose of administering such plan and agreement, the City Administrator shall be the official who shall make all required reports, keep all records and be responsible for the administration of the plan and agreement on behalf of the City and any notices and communications from the State agency to this City with respect to the plan and agreement shall be addressed to "City of Normandy, Missouri".

- B. The Mayor and City Administrator are hereby authorized and directed on behalf of the City to prepare, execute and submit to the Division of Budget and Comptroller of the State of Missouri as State agency a plan and agreement for extending such benefits to the eligible employees and officials of the City in a form prepared by the State agency and hereby approved and adopted by the City

Council, which plan and agreements are to become effective upon approval thereof by the State agency and are further authorized to execute modifications and amendments thereof with the State agency providing for the extension of such benefits to employees and officials as set forth in the plan and agreement as provided for in Subsection (A) of this Section.

- C. There shall be deducted from the wages of all employees and officials of the City to whom the benefits of the system of Federal Old Age and Survivors Insurance are extended, by virtue of the plan and employee's and official's contributions, as determined by the applicable State and Federal laws and by the plan and agreement, the hereinafter provided for, the amount of each employee's and official's contributions as determined by the applicable State and Federal laws and by the plan and agreement, the aggregate amount of such deductions to be paid into the Contributions Fund as provided for in Section 105.307, RSMo.
- D. There is hereby authorized and directed to be appropriated from the General Fund of the City and there shall be appropriated the sums of money necessary to pay the contribution of the City which shall from time to time become due and payable by virtue of the extension of the benefits of the Federal Old Age and Survivors Insurance system to the eligible employees and officials of the City as provided in Section 105.370, RSMo.
- E. The City shall fully comply with and shall keep such records, make such reports and provide such methods of administration of such plan and agreement as may be required by all applicable State and Federal laws, rules and regulations now and hereafter in effect with respect to the extension of the benefits of the Federal Old Age and Survivors Insurance system to the employees and officials of the City. For the purpose of administering such plan and agreement, the City Administrator shall be the official who shall make all required reports, keep all records and be responsible for the administration of the plan and agreement on behalf of the City and any notices and communications from the State agency to this City with respect to the plan and agreement shall be address to the "City of Normandy, Missouri". (Ord. No. 603 §1, 2-3-09)

<b>SECTION 135.060:</b>	<b>LOCAL</b>	<b>GOVERNMENT</b>	<b>EMPLOYEES'</b>
	<b>RETIREMENT SYSTEM</b>		
	<b>(LAGERS)</b>		

- A. This City, being a "political subdivision" as defined in Subsection 19 of Section 70.600, RSMo., hereby elects to have covered by the Missouri Local Government Employees' Retirement System (hereinafter referred to as "LAGERS") all its eligible employees in the following classes: present and future general employees and present and future Police Officers. Elected officials shall not be eligible to participate.
- B. The City hereby elects that one hundred percent (100%) of prior employment be considered for prior service credit in computing benefits and contributions to the system. (Ord. No. 603 §1, 2-3-09)

## **CHAPTER 140: MUNICIPAL COURT**

### **ARTICLE I. IN GENERAL**

#### **SECTION 140.010: COURT ESTABLISHED**

There is hereby established in this City a Municipal Court, to be known as the "Normandy Municipal Court, a Division of the 21st Judicial Circuit Court of the State of Missouri." This Court is a continuation of the Police Court of the City as previously established, and is termed herein "the Municipal Court." (Ord. No. 65 §§1–2, 12-12-78)

#### **SECTION 140.020: JURISDICTION**

The jurisdiction of the Municipal Court shall extend to all cases involving alleged violations of the ordinances of the City. (Ord. No. 65 §§1–2, 12-12-78)

#### **SECTION 140.030: SELECTION OF JUDGES**

- C. The Mayor shall appoint, with the approval of the City Council, a Municipal Judge to preside over the Municipal Court and to be known as a Municipal Judge of the 21st Judicial Circuit Court for the Normandy Municipal Court. The Municipal Judge shall be qualified as provided in this Chapter and shall perform all duties and execute all responsibilities imposed by this Chapter or otherwise by law or rule of the Missouri Supreme Court.
- D. The Mayor may also appoint, with the approval of the City Council, one (1) or more additional Municipal Judges, each of whom shall be known as a Provisional Municipal Judge of the 21st Judicial Circuit Court for the Normandy Municipal Court. Any person holding the office of Provisional Municipal Judge shall meet the qualifications of Municipal Judge and shall serve the same term of office as provided in this Chapter. The City Clerk shall inform the 21st Judicial Circuit Court Clerk of any person appointed as Provisional Municipal Judge.
- E. One (1) or more Provisional Municipal Judges may be called on to serve as Municipal Judge in the event the Municipal Judge is not able to serve as a result of a conflict of interest or other disqualification, absence, illness or any other disability. If called upon to serve as Municipal Judge, a Provisional Municipal Judge shall perform all duties and responsibilities of the Municipal Judge and shall have all of the authority of the Municipal Judge imposed by this Chapter or otherwise by law or rule of the Missouri Supreme Court.
- F. Upon request by the Mayor and if circumstances so require, the Presiding Judge of the 21st Judicial Circuit Court may also designate a Special Municipal Judge.
- G. The City Council shall provide for the compensation of any person designated as Provisional or Special Municipal Judge. (Ord. No. 65 §§1–2, 12-12-78; Ord. No. 85 §1, 5-15-79; Ord. No. 511 §1, 3-4-03)

**SECTION 140.040:****TERM OF OFFICE**

The Municipal Judge shall hold his/her office for a period of two (2) years and shall take office biannually from April of 1979. If for any reason a Municipal Judge vacates his/her office, his/her successor shall complete that term of office, even if the same be for less than two (2) years. (Ord. No. 65 §§1-2, 12-12-78)

**SECTION 140.050: VACATION OF OFFICE**

The Municipal Judge shall vacate his/her office under the following circumstances:

1. Upon removal from office by the State Commission on the Retirement, Removal and Discipline of Judges, as provided in Missouri Supreme Court Rule 12, and
2. Upon attaining his/her seventy-fifth (75th) birthday, or
3. If he/she should lose his/her license to practice law within the State of Missouri. (Ord. No. 65 §§1–2, 12-12-78)

**SECTION 140.060: QUALIFICATIONS FOR OFFICE**

The Municipal Judge shall possess the following qualifications before he/she shall take office:

1. He/she must be a licensed attorney, qualified to practice law within the State of Missouri.
2. He/she need not be a resident of the City of Normandy.
3. He/she must be a resident of the State of Missouri.
4. He/she must be between the ages of twenty-one (21) and seventy-five (75) years.
5. He/she may serve as Municipal Judge for any other municipality.
6. He/she may not hold any other office within the City Government.
7. The Municipal Judge shall be considered holding a part-time position, and as such may accept (within the requirements of the Code of Judicial Conduct, Missouri Supreme Court Rule 2) other employment. (Ord. No. 65 §§1–2, 12-12-78; Ord. No. 84, 5-15-79)

**SECTION 140.070: SUPERINTENDING AUTHORITY**

The Municipal Court of the City shall be subject to the rules of the Circuit Court of which it is a part, and to the rules of the State Supreme Court. The Municipal Court shall be subject to the general administrative authority of the Presiding Judge of the Circuit Court, and the Judge and Court personnel of said Court shall obey his/her directives. (Ord. No. 65 §§1–2, 12-12-78)

**SECTION 140.080: DOCKET AND COURT RECORDS**

The Municipal Judge shall keep a docket in which he/she shall enter every case commenced before him/her and the proceedings therein and he/she shall keep such other records as may



be required. Such docket and records shall be records of the Circuit Court of St. Louis County. The Municipal Judge shall deliver the docket and records of the Municipal Court, and all books and papers pertaining to his/her office, to his/her successor in office or to the Presiding Judge of the Circuit. (Ord. No. 65 §§1–2, 12-12-78)

**SECTION 140.090: MUNICIPAL JUDGE—POWERS AND DUTIES  
GENERALLY**

The Municipal Judge shall be and is hereby authorized to:

1. Establish a Traffic Violations Bureau as provided for in the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts and Section 479.050, RSMo.
2. Administer oaths and enforce due obedience to all orders, rules and judgments made by him/her, and may fine and imprison for contempt committed before him/her while holding court, in the same manner and to the same extent as a Circuit Judge.



3. Commute the term of any sentence, stay execution of any fine or sentence, suspend any fine or sentence, and make such other orders as the Municipal Judge deems necessary relative to any matter that may be pending in the Municipal Court.
4. Make and adopt such rules of practice and procedure as are necessary to implement and carry out the provisions of this Chapter, and to make and adopt such rules of practice and procedure as are necessary to hear and decide matters pending before the Municipal Court and to implement and carry out the provisions of the Missouri Rules of Practice and Procedure in Municipal Traffic Courts. Any and all rules made or adopted hereunder may be annulled or amended by an ordinance limited to such purpose; provided that such ordinance does not violate, or conflict with, the provisions of the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts, or State Statutes.
5. The Municipal Judge shall have such other powers, duties and privileges as are or may be prescribed by the laws of this State, this Code or other ordinances of this City.  
(Ord. No. 65 §§1–2, 12-12-78)

**SECTION 140.100:****BAILIFF**

The Chief of Police shall serve or, by roster or otherwise, may designate a Police Officer to serve, as Bailiff of the Municipal Court. The Bailiff shall attend all sessions of the Court, unless excused by the Municipal Judge; and he/she shall preserve order in the courtroom and the immediate vicinity thereof, and execute all orders and process directed to him/her by the Municipal Judge.  
(CC 1975 §16-4)

**SECTION 140.110:****CITY TO PROVIDE COURTROOM, DOCKET, FORMS, ETC.**

The City, at its expense, shall furnish a suitable place to hold Court, procure a suitable docket and necessary forms, and make available such additional sums of money that may be needed by the Municipal Judge to meet the requirements as set forth by the rules of Court and the Revised Statutes of Missouri. (CC 1975 §16-5; Ord. No. 221 §§5, 6; Ord. No. 362 §5)

**SECTION 140.120:****RULES OF PRACTICE AND PROCEDURE**

The rules of practice and procedure of the Municipal Court shall be those promulgated by the State Supreme Court setting forth certain rules of practice and procedure in Municipal and Traffic Courts; and the Municipal Judge may promulgate such additional rules of administration, consistent with the Revised Statutes of Missouri and the rules of the State Supreme Court, as he/she may from time to time deem necessary. (CC 1975 §16-6; Ord. No. 221 §7)

**SECTION 140.130:****MAINTENANCE OF DOCKET**

For each case, the Municipal Judge shall state in his/her docket the style of the case, which shall be the "City of Normandy against \_\_\_\_\_," the name of the prosecuting witness, the nature and character of the offense, the date of the trial, the names of all witnesses sworn and examined, the finding of the Court, the judgment of fine and cost, the date of payment, the date of issuing commitment, if any, and every other fact necessary to show the full proceeding in each case.

(CC 1975 §16-7; Ord. No. 221 §5)

**SECTION 140.140: TRAFFIC VIOLATIONS BUREAU**

Should the Municipal Judge determine that there shall be a Traffic Violations Bureau, the City shall provide all expenses incident to the operation of the same. The Court Clerk is hereby designated as the Traffic Violations Clerk for said Bureau, if established. (Ord. No. 65 §§1–2, 12-12-78)

**SECTION 140.150: ISSUANCE AND EXECUTION OF WARRANTS**

All warrants issued by a Municipal Judge shall be directed to the Chief of Police, or any other Police Officer of the municipality or to the Sheriff of the County. The warrant shall be executed by the Chief of Police, Police Officer, or Sheriff any place within the limits of the County and not elsewhere unless the warrants are endorsed in the manner provided for warrants in criminal cases, and, when so endorsed, shall be served in other Counties, as provided for in warrants in criminal cases. (Ord. No. 65 §§1–2, 12-12-78)

**SECTION 140.155: ADMINISTRATIVE SEARCH WARRANTS**

*A. Search Warrant Defined—Who May Issue, Execute.*

1. An "*administrative search warrant*" is a written order of the Municipal Judge permitting the entry of City Officials on or into private property, structure or improvement to enforce the City's housing, zoning, health and safety regulations when government entry on or into such property is otherwise authorized by Missouri law. A warrant may issue only in conformance with this Section and only for the enforcement of the City's housing, zoning, health and safety regulations, specifically:
  - a. To inspect private property to determine or prove the existence of physical conditions in violation of a specified regulation,
  - b. To seize property or photograph, copy or record evidence of property or physical conditions found thereon or therein, and
  - c. To abate such physical conditions.
2. The Municipal Judge having original and exclusive jurisdiction to determine violations against the ordinances of the municipality may issue an administrative warrant when:
  - a. The property to be entered is located within the City, and
  - b. The owner or occupant of the property or place to be entered:
    - (1) Has refused to allow same after official request by the City, or
    - (2) Is not available, after reasonable investigation and effort, to consent to such search or inspection.

3. Any such warrant shall be directed to the Chief of Police or any other Police Officer of the City and shall be executed by the Chief of Police or said Police Officer, in conjunction with the Code Enforcement Officer or other appropriate City Official, within the City limits and not elsewhere.

4. Any such warrant shall not permit the entry of City Officials into the residence or any accessory building of the property to be searched, inspected or entered upon.

*B. Who May Apply For Warrant—Contents Of Application.*

1. Any Code Enforcement Officer, Police Officer or attorney of the City may make application to the Municipal Judge for the issuance of an administrative warrant.
2. The application shall:
  - a. Be in writing;
  - b. State the time and date of the making of the application;
  - c. Identify the property or places to be entered, searched, inspected or seized in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;
  - d. State that the owner or occupant of the property or places to be entered, searched, inspected or seized:
    - (1) Has been requested by the City to allow such action and has refused to allow such action, or
    - (2) Is not available, after reasonable investigation and effort, to consent to such search or inspection.
  - e. State facts sufficient to show probable cause for the issuance of a search warrant, as provided in Subsection (C) of this Section, to:
    - (1) Search or inspect for violations of an ordinance or Code Section specified in the application, or
    - (2) Show that entry or seizure is authorized and necessary to enforce an ordinance or Code Section specified in the application and/or abate an ordinance violation and that due process has been afforded prior to the entry or seizure.
  - f. Be verified by the oath or affirmation of the applicant; and
  - g. Be signed by the applicant and filed in the Municipal Court.
3. The application may be supplemented by a written affidavit verified by oath or affirmation. Such affidavit shall be considered in determining whether there is probable cause for the issuance of a search warrant and in filling out any deficiencies in the description of the property or place to be searched or inspected. Oral testimony shall not be considered.
4. The application may be submitted by hand delivery, mail or facsimile or other electronic means.



C. *Determination Of Probable Cause—Issuance—Contents Of Warrant—Execution And Return.*

1. *Determination of probable cause/issuance.*

- a. The Municipal Judge shall determine whether probable cause exists to inspect or search for the purposes noted herein.

- b. In doing so the Municipal Judge shall determine whether the action to be taken by the City is reasonable in light of the facts stated. The Municipal Judge shall consider the goals of the ordinance or Code Section sought to be enforced and such other factors as may be appropriate including, but not limited to, the physical condition of the specified property, the age and nature of the property, the condition of the area in which the property is located, the known violation of any relevant City ordinance or Code Section, the passage of time since the property's last inspection and the authority authorizing government entry onto private property. The standard for issuing a warrant need not be limited to actual knowledge of an existing violation of a City ordinance or Code Section.
  - c. If it appears from the application and any supporting affidavit that there is probable cause to inspect or search the private property for the enforcement of the City's housing, zoning, health and safety regulations, a search warrant shall immediately be issued.
  - d. The warrant shall issue in the form of an original and two (2) copies and the application, any supporting affidavit and one (1) copy of the warrant as issued shall be retained in the records of the Municipal Court.
  - e. A search warrant shall expire if it is not executed within ten (10) days after the date of the making of the application.
2. *Contents of search warrant.* The search warrant shall:
- a. Be in writing and in the name of the City;
  - b. Be directed to any Police Officer in the City;
  - c. State the time and date the warrant was issued;
  - d. Identify the property or places to be searched, inspected or entered upon in sufficient detail and particularity so that the officer executing the warrant can readily ascertain it;
  - e. Identify the regulation sought to be enforced;
  - f. Command that the described property or places be entered upon for one (1) or more specified enforcement purposes as provided herein, including inspection or abatement;
  - g. Direct that any evidence of any suspected ordinance violations be seized, recorded or photographed and a description of such property be returned, within ten (10) days after issuance of the warrant to the Clerk of the Municipal Court, to be dealt with according to law;
  - h. Be signed by the judge, with his title of office indicated.
3. *Execution.* A search warrant issued under this Article shall be executed only by a City

Police Officer, provided however, that one (1) or more designated City Officials may accompany the officer and the warrant shall be executed in the following manner:

- a. Copies of the warrant shall be given to the officer executing the warrant. Copies may be transmitted by hand delivery, mail or by facsimile or other electronic means.
- b. The warrant shall be executed by conducting the search, inspection, entry, abatement or seizure as commanded and shall be executed as soon as practicable and in a reasonable manner but in no less than ten (10) days after issuance of the warrant.

- c. The officer may summon as many persons as he deems necessary to assist him in executing the warrant and such persons shall not be held liable as a result of any illegality of the search and seizure.
- d. The officer shall give the owner or occupant of the property searched, inspected or entered upon a copy of the warrant or shall leave a copy of the warrant at the property if the owner or occupant is not available.
- e. In the event that a warrant authorizes abatement of a nuisance or other conditions, the Police Officer is not required to stay on the property during the entire length of time that it takes for the abatement to be completed.

4. *Itemized receipt/disposition of seized property.*

- a. If any property is seized incident to the search or abatement, the officer shall give the person from whose possession it was taken, if the person is present, an itemized receipt for the property taken. If no such person is present, the officer shall leave the receipt at the site of the search or abatement in a conspicuous place.
- b. A copy of the itemized receipt of any property taken shall be delivered to an attorney for the City within two (2) working days of the search.
- c. The disposition of property seized pursuant to a warrant under this Section shall be in accordance with an applicable City ordinance or Code Section, but in the absence of same, then with Section 542.301, RSMo.

5. *Return required after execution of search warrant.*

- a. After execution of the search warrant, the warrant, with a return thereon signed by the officer making the search, shall be delivered to the Municipal Court.
- b. The return shall show the date and manner of execution and the name of the possessor and of the owner, when not the same person, if known, of the property or places searched or seized.
- c. The return shall be accompanied by any photographs, copies or recordings made and by any property seized, along with a copy of the itemized receipt of such property required by this Section; provided however, that seized property may be disposed of as provided herein and in such a case a description of the property seized shall accompany the return.
- d. The Court Clerk, upon request, shall deliver a copy of the return to the possessor and the owner, when not the same person, of the property searched or seized.

D. *Warrant Invalid, When.*

- 1. A search warrant shall be deemed invalid:
  - a. If it was not issued by the Municipal Judge;

- b. If it was issued without a written application having been filed and verified;
- c. If it was issued without sufficient probable cause in light of the goals of the ordinance to be enforced and such other factors as provided in Subsection (C) hereof;

- d. If it was not issued with respect to property or places in the City;
  - e. If it does not describe the property or places to be searched, inspected, entered upon or seized with sufficient certainty;
  - f. If it is not signed by the judge who issued it; or
  - g. If it was not executed within ten (10) days after the date of the issuance of the warrant.
2. An officer making a search pursuant to an invalid warrant, the invalidity of which is not apparent on its face, may use such force as he would be justified in using if the warrant were valid. (Ord. No. 616 §1, 5-4-10)

**SECTION 140.160:**

**ARRESTS WITHOUT WARRANTS**

The Chief of Police, or other Police Officer of the City may, without a warrant, make arrest of any person who commits an offense in his/her presence, but such officer shall, before the trial, file a written complaint with the Judge hearing violations of municipal ordinances. (Ord. No. 65 §§1–2, 12-12-78)

**SECTION 140.170:**

**JURY TRIALS**

Any person charged with a violation of a municipal ordinance of this City shall be entitled to a trial by jury, as in prosecutions for misdemeanors before an Associate Circuit Judge. Whenever a defendant accused of a violation of a municipal ordinance demands trial by jury, the Municipal Court shall certify the case to the Presiding Judge of the Circuit Court for reassignment. An application for a trial de novo shall be filed in such form and perfected in such manner as provided by law. (Ord. No. 65 §§1–2, 12-12-78)

**SECTION 140.180:**

**DUTIES OF THE CITY'S PROSECUTING ATTORNEY**

It shall be the duty of an attorney designated by the municipality to prosecute the violations of the City's ordinances before the Municipal Judge or before any Circuit Judge hearing violations of the City's ordinances. The salary or fees of the attorney and his/her necessary expenses incurred in such prosecutions shall be paid by the City. The compensation of such attorney shall not be contingent upon the result in any case. (Ord. No. 65 §§1–2, 12-12-78)

**SECTION 140.190:**

**SUMMONING OF WITNESSES**

It shall be the duty of the Municipal Judge to summon all persons whose testimony may be deemed essential as witnesses at the trial, and to enforce their attendance by attachment, if necessary. The fees of witnesses shall be the same as those fixed for witnesses in trials before Associate Circuit Judges and shall be taxed as other costs in the case. When a trial

shall be continued by a Municipal Judge it shall not be necessary to summon any witnesses who may be present at the continuance; but the Municipal Judge shall orally notify such witnesses as either party may require to attend before

him/her on the day set for trial to testify in the case, and enter the names of such witnesses on his/her docket, which oral notice shall be valid as a summons. (Ord. No. 65 §§1–2, 12-12-78)

**SECTION 140.200: TRANSFER OF COMPLAINT TO ASSOCIATE  
CIRCUIT JUDGE**

If, in the progress of any trial before a Municipal Judge, it shall appear to the Judge that the accused ought to be put upon trial for an offense against the criminal laws of the State and not cognizable before him/her as Municipal Judge, he/she shall immediately stop all further proceedings before him/her as Municipal Judge and cause the complaint to be made before some Associate Circuit judge within the County. (Ord. No. 65 §§1–2, 12-12-78)

**SECTION 140.210: PAROLE AND PROBATION**

- A. Any Judge hearing violations of municipal ordinances may, when in his/her judgment it may seem advisable, grant a parole or probation to any person who shall plead guilty or who shall be convicted after a trial before such Judge. When a person is placed on probation he/she shall be given a certificate explicitly stating the conditions on which he/she is being released.
- B. In addition to such other authority as exists to order conditions of probation, the court may order conditions which the court believes will serve to compensate the victim of the crime, any dependent of the victim, or society in general. Such conditions may include, but need not be limited to:
  - 1. Restitution to the victim or any dependent of the victim, in an amount to be determined by the Judge; and
  - 2. The performance of a designated amount of free work for a public or charitable purpose, or purposes, as determined by the Judge.
- C. A person may refuse probation conditioned on the performance of free work. If he/she does so, the Court shall decide the extent or duration of sentence or other disposition to be imposed and render judgment accordingly. Any County, City, person, organization, or agency, or employee of a County, City, organization or agency charged with the supervision of such free work or who benefits from its performance shall be immune from any suit by the person placed on parole or probation or any person deriving a cause of action from him/her if such cause of action arises from such supervision of performance, except for intentional torts or gross negligence. The services performed by the probationer or parolee shall not be deemed employment within the meaning of the provisions of Chapter 288, RSMo.
- D. The Court may modify or enlarge the conditions of probation at any time prior to the expiration or termination of the probation term.

**SECTION 140.220: RIGHT OF APPEAL**



In all cases tried before the Municipal Court, except where there has been a plea of guilty or where the case has been tried with a jury, the defendant shall have a right of trial de novo, before a Circuit Judge or on assignment before an Associate Circuit Judge. An application for a trial de novo shall be filed in such form and perfected in such manner as provided by law.

(Ord. No. 65 §§1–2, 12-12-78)

**SECTION 140.230: APPEAL FROM JURY VERDICTS**

In all cases in which a jury trial has been demanded, a record of the proceedings shall be made, and appeals may be had upon that record to the appropriate Appellate Court.  
(Ord. No. 65 §§1–2, 12-12-78)

**SECTION 140.240: BREACH OF RECOGNIZANCE**

In the case of a breach of any recognizance entered into before a Municipal Judge or an Associate Circuit Judge hearing a municipal ordinance violation case, the same shall be deemed forfeited and the Judge shall cause the same to be prosecuted against the principal and surety, or either of them, in the name of the municipality as plaintiff. Such action shall be prosecuted before a Circuit Judge or Associate Circuit Judge, and in the event of cases caused to be prosecuted by a Municipal Judge, such shall be on the transcript of the proceedings before the Municipal Judge. All monies recovered in such actions shall be paid over to the Municipal Treasury to the General Revenue Fund of the municipality. (Ord. No. 65 §§1–2, 12-12-78)

**SECTION 140.250: DISQUALIFICATION OF MUNICIPAL JUDGE  
FROM HEARING A  
PARTICULAR CASE**

A Municipal Judge shall be disqualified to hear any case in which he/she is in anywise interested, or, if before the trial is commenced the defendant or the prosecutor files an affidavit that the defendant or the municipality, as the case may be, cannot have a fair and impartial trial by reason of the interest or prejudice of the Judge. Neither the defendant nor the municipality shall be entitled to file more than one (1) affidavit or disqualification in the same case.  
(Ord. No. 65 §§1–2, 12-12-78)

**SECTION 140.260: RESERVED**

*Editor's Note—Ord. no. 511, adopted March 4, 2003, repealed section 140.260, "temporary municipal judge" in its entirety. At the editor's discretion, this section has been reserved for the city's future use.*

**SECTION 140.270: CLERK OF THE MUNICIPAL COURT**

The duties of said Clerk of the Municipal Court shall be as follows:

1. To collect such fines for violations of such offenses as may be described, and the Court costs thereof.
2. To take oaths and affirmations.

3. To accept signed complaints, and allow the same to be signed and sworn to or affirmed before him/her.
4. Sign and issue subpoenas requiring the attendance of witnesses and sign and issue subpoenas duces tecum.
5. Accept the appearance, waiver of trial and plea of guilty and payment of fine and costs in Traffic Violations Bureau cases or as directed by the Municipal Judge; generally act as Violations Clerk of the Traffic Violations Bureau.

6. Perform all other duties as provided for by ordinance, by rules of Practice and Procedure adopted by the Municipal Judge and by the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts and by Statute.
7. Maintain, properly certified by the City Clerk, a complete copy of the ordinances of the City which shall constitute prima facie evidence of such ordinance before the Court. Further, to maintain a similar certified copy on file with the Clerk serving the Circuit Court of this County. (Ord. No. 65 §§1–2, 12-12-78)

**SECTION 140.280:****COURT COSTS**

In addition to any fine that may be imposed by the Municipal Judge, there shall be assessed as costs in all cases as follows:

1. Costs of Court in the amount of twelve dollars (\$12.00) in all cases.
2. There shall be assessed to each defendant who pleads guilty, or is found guilty, an additional Court cost in the amount of three dollars (\$3.00) for the Police Officer Standards and Training Commission Fund, except as set forth herein.
  - a. Provided that no such fee shall be collected for violations of fish and game regulations, and
  - b. Provided that no such fee shall be collected in any proceeding in any Court when the proceeding or defendant has been dismissed by the Court.

Two dollars (\$2.00) of the three dollars (\$3.00) shall be transmitted monthly to the Treasurer of the City, to be used locally for training Law Enforcement Officers.

One dollar (\$1.00) of the three dollars (\$3.00) shall be deposited into the Peace Officer Standards and Training Commission Fund, to be used statewide for the training of Law Enforcement Officers. Check should be made payable to the "Treasurer of the State of Missouri," on or before the fifteenth (15th) day of each month.

3. There shall be assessed to each defendant who pleads guilty, or is found guilty, an additional Court cost for the Domestic Violence Fund in the amount of two dollars (\$2.00) which may be waived by the Court if the Judge finds the defendant indigent and unable to pay such cost. Such cost shall be collected by the Clerk of the Court and disbursed by the Council, for the purpose of providing operating expenses for shelters for battered persons, as defined in Sections 455.200 to 455.230, RSMo.
4. There shall be assessed to each defendant who pleads guilty, or is found guilty, in each case filed in the City of Normandy Municipal Court, for violation of any ordinance of this City, an additional surcharge for the Crime Victims' Compensation Fund, in the amount of seven dollars and fifty cents (\$7.50), provided that no such fee shall be collected in any proceeding when the proceeding or the defendant has been dismissed by this Court. Such surcharge shall be collected by the Clerk of the Court. All sums collected pursuant to this Subsection shall be distributed as follows:

- a. Ninety-five percent (95%) of such sums shall be forwarded to the State of Missouri for deposit to the Crime Victims' Compensation Fund as provided in Section 595.045, RSMo.
- b. Five percent (5%) of such sums shall be paid to the City Treasury.

5. Appeal costs from the Municipal Court to the Circuit Court of St. Louis County, as required. (Ord. No. 411 §2, 4-8-97; Ord. No. 448 §1, 12-7-99; Ord. No. 494 §1, 10-2-01; Ord. No. 506 §§1—2, 11-5-02)

*Cross Reference—As to reimbursement of costs in alcohol-related traffic offenses, see §342.070 of this Code.*

**SECTION 140.290: COURT COSTS AND FEES—ASSESSED AGAINST PROSECUTING WITNESS**

- A. In any case where the prosecuting witness elects not to prosecute an offense after an Information has been filed by the Prosecuting Attorney and executes a "Refusal to Prosecute" form, an administrative fee of thirty dollars (\$30.00) shall be charged to the prosecuting witness to defray actual costs incurred by the City in pursuit of the matter at the original behest of the prosecuting witness. The Clerk of the Court shall send notice to the prosecuting witness of the fee and the due date for payment. Failure to make said payment shall be handled in the same manner as failure to pay a fine as set forth in Section 140.310.
- B. In addition, the costs of any action may be assessed against the prosecuting witness where it appears to the satisfaction of the Municipal Judge that the complaint by the prosecuting witness was made without probable cause or from malicious motives. Judgment shall be rendered against such witness that he/she pay the same and stand committed until the full judgment is paid. (Ord. No. 65 §§1—2, 12-12-78; Ord. No. 548 §1, 6-7-05)

**SECTION 140.300: INSTALLMENT PAYMENT OF FINE**

When a fine is assessed for violating an ordinance, it shall be within the discretion of the Judge assessing the fine to provide for the payment of a fine on an installment basis under such terms and conditions as he/she may deem appropriate. (Ord. No. 65 §§1—2, 12-12-78)

**SECTION 140.310: FAILING TO APPEAR IN COURT AND FAILING TO PAY FINE IMPOSED BY COURT**

- A. In addition to the forfeiture of any security which may have been given or pledged for the release of any person charged with an offense in the Normandy Municipal Division of the St. Louis County Circuit Court, it shall be unlawful for any person who has been charged with an offense in the Normandy Division of the St. Louis County Circuit Court to willfully fail to appear before such Court as required.
- B. It shall be unlawful for any person who has been convicted of, plead guilty to or been found guilty of any offense in the Normandy Municipal Division of the St. Louis County Circuit Court and who has been sentenced to pay any fine or otherwise required by law to pay any monetary penalty or costs of court or reimbursement of expenses associated with the investigation or prosecution of such offense to fail to pay such fine, penalty, costs or reimbursement as required by the Court.

- C. Any person violating any of the provisions of this Section shall, upon conviction thereof, be deemed guilty of a misdemeanor and subject to a fine not exceeding five hundred dollars (\$500.00), except that the maximum fine permitted in any instance of failing to appear in court as defined in Subsection (A) of this Section shall not exceed the maximum fine permitted for the offense with which the individual had been charged and in respect to which the individual failed to appear, and except

that the maximum fine permitted in any instance of the offense of failing to pay a fine, penalty, cost or reimbursement as defined in Subsection (B) of this Section shall not exceed that amount which is equivalent to the total of the fine, penalty, cost and/or reimbursement originally required by the Court. The penalties imposed hereunder shall be in addition to any penalties imposed upon conviction of any other offense and the imposition of a penalty for violation of this Section shall not in any manner diminish the contempt powers of the Court. (Ord. No. 237 §§1–3, 7-30-85)

**SECTION 140.320: REIMBURSEMENT FOR COSTS OF  
CONFINEMENT BY PERSONS  
CONVICTED OF OFFENSES**

- A. Every person who shall be committed to any jail or detention facility by lawful authority of the Normandy Municipal Division of the St. Louis County Circuit Court, either before or after trial or conclusion of the proceedings against such person, if he/she shall be convicted, shall bear the expense of carrying him/her to such jail or detention facility and also his/her support while in such jail or detention facility before he/she shall be discharged.
- B. The property of such persons so committed and convicted shall be subjected to the payment of such expenses and, shall be bound therefor, from the time of his/her commitment, and may be levied on or sold, from time to time, under the order of the Normandy Municipal Division of the St. Louis County Circuit Court, to satisfy such expense. (Ord. No. 236 §1, 7-30-85)

**SECTION 140.330: VEXATIOUS COMPLAINTS—DEPOSIT  
REQUIRED**

The City Counselor or his/her representative, when he/she is satisfied that a complaint or information of a violation of an ordinance is made for vexatious or without just cause, may, before commencing any proceedings, require the complainant or informant to deposit with the Clerk double the amount of costs that will in his/her judgment accrue in the suit, and the City Court Judge may, at any time, after the filing of a statement by the City Counselor or his/her representative, upon motion of the defendant, require the deposit of costs aforesaid. This Section shall not apply to any report, complaint or information made by any officer of the City in discharge of his/her duty. (Ord. No. 157 §1, 6-8-82)

**ARTICLE II. DEFERRED PAYMENT OF  
FINES AND COSTS**

**SECTION 140.340: DETERMINATION OF DEFENDANT'S  
ABILITY TO PAY—  
QUESTIONNAIRE—FALSE SWEARING**



- A. In determining whether the defendant is unable to pay such fine or costs forthwith, the Court may require such defendant to file a petition, under oath, with the Court, upon a form provided by the Court, setting forth the financial condition of the defendant.
- B. Such form shall be a questionnaire, and shall include, but shall not be limited to:
  - 1. The name and residence of the defendant;

2. His/her occupation, if any;
3. His/her family status and the number of persons dependent upon him/her;
4. His/her monthly income;
5. Whether or not his/her dependents are employed and, if so, their approximate monthly income;
6. His/her banking accounts, if any;
7. Real estate owned by the defendant, or any interest he/she may have in real estate;
8. Income produced therefrom;
9. Any independent income accruing to the defendant;
10. Tangible and intangible personal property owned by the defendant, or in which he/she may have an interest; and
11. A statement listing the approximate indebtedness of the defendant to other persons.

Such form shall also include a payment plan of the defendant, if the Court should exercise its discretion in permitting the payment of such fine and costs in installments or other conditions to be fixed by the Court.

At the end of such form there shall be printed in bold face type, in a distinctive color, the following:

"THIS STATEMENT IS MADE UNDER OATH. ANY FALSE STATEMENT OF A MATERIAL FACT TO ANY QUESTION CONTAINED HEREIN SHALL CONSTITUTE FALSE SWEARING. THE MAXIMUM PENALTY FOR FALSE SWEARING HEREUNDER IS NINETY (90) DAYS' IMPRISONMENT."

A copy of the petition shall be retained by the defendant.

- C. If the defendant is unable to read or write, the Court or the Clerk may assist the defendant in completing the petition and require him/her to affix his/her mark thereto. The consequences of the making of a false statement shall be explained to such defendant. (CC 1975 §16-18)

#### **SECTION 140.350: PAYMENT MAY BE MADE CONDITION OF PROBATION OR SUSPENDED SENTENCE**

If a defendant is sentenced to pay a fine or costs and payment of the fine or fine and costs is ordered to be made on an installment basis or on other conditions under the provisions of Section 140.300, and if the defendant is also placed on probation or imposition or the execution of sentence is suspended, the Court may make payment of the fine or fine and

costs a condition of probation or suspension of sentence. (CC 1975 §16-19)

**SECTION 140.360: DEFENDANT MAY BE REQUIRED TO KEEP THE PEACE AND GOOD BEHAVIOR**

If a defendant is permitted to pay a fine or fine and costs on an installment basis, or under such other conditions as the Court shall fix under the provisions of Section 140.300, the Court may require as a condition that the defendant be of peace and good behavior until the fine and costs are paid. (CC 1975 §16-20)

**SECTION 140.370: CONSEQUENCES OF DEFAULT IN  
PAYMENT—WHEN  
IMPRISONMENT AUTHORIZED**

When any person sentenced to pay a fine or costs defaults in the payment of any such fine or costs or of any installment thereof, the Court may issue a summons for such person to appear before the Court for a hearing on the question of whether such person's failure to pay the fine or costs or any installment was attributable to intentional refusal to comply with the prior order of the Court or to a lack of a good faith effort to comply therewith. The Court may, after hearing, order that the person in default be allowed additional time for payment, may reduce or remit the amount of the fine or the unpaid portion thereof in whole or in part, or upon a finding that the default was intentional or due to the lack of a good faith effort to comply with the prior order of the Court, may order such person confined for such period up to ninety (90) days as the Court in its discretion shall determine. (CC 1975 §16-21)



## CHAPTER 145: PURCHASING

### ARTICLE I. GENERALLY

*Editor's Note—Ord. no. 457 §1, adopted March 7, 2000, repealed §§145.010—145.060 of this chapter enacting the new provisions set out herein and renumbering former §145.070 as 145.170. Former §§145.010—145.060 derived from ord. no. 399 §§1–6, 2-13-96 and ord. no. 423 §§1–2, 9-8-98. Subsequently, ord. no. 481 §1, adopted February 6, 2001, repealed art. I, §§145.010—145.160 hereof enacting the new provisions set out herein. Former art. I derived from ord. no. 457 §1, 3-7-00.*

#### SECTION 145.010: POWERS AND DUTIES OF DIRECTOR OF PURCHASING

- A. The Director of Purchasing shall be the City Administrator who shall be responsible for the procurement and acquisition of all materials, supplies, equipment, contractual services, and insurance (acquisition of real estate and certain professional services including, but not limited to, accountants, architects, attorneys, physicians or other services requiring expert or specialized knowledge or skill, planning consultants, insurance advisors and brokers, landscape architects and designers are outside the scope of these regulations). Questions of interpretation of these regulations or questions on procedures in purchasing not specifically stated herein shall be referred to the City Administrator.
- B. A purchase order or contract shall be valid only when signed by the Director of Purchasing, department head, and Finance Director, all of whom shall have determined that there are sufficient funds appropriated to cover such purchases.
- C. No purchase or contract for services of any kind or description, payment for which is to be made from funds of the City, shall be made by the Director of Purchasing, or any officer, employee or agent of the City, except in the manner hereinafter set forth.
  - 1. Items estimated to cost ten thousand dollars (\$10,000.00) or more can be purchased only after obtaining formal written and sealed bids or by special council action on sole source, specialized and non-standard items.
  - 2. Items estimated to cost between two thousand five hundred dollars (\$2,500.00) and nine thousand nine hundred ninety-nine dollars ninety-nine cents (\$9,999.99) may be purchased by the Director of Purchasing after obtaining three (3) or more price quotations on company stationery.
  - 3. Items estimated to cost between five hundred dollars (\$500.00) and two thousand four hundred ninety-nine dollars ninety-nine cents (\$2,499.99) may be purchased by obtaining three (3) or more written price quotations.
  - 4. Items estimated to cost less than five hundred dollars (\$500.00) may be purchased

without quotes. However, it is encouraged that cursory solicitations be conducted on occasion to ensure that the City is receiving various items at a competitive market price.

5. The City recognizes that there are certain expenses, which occur monthly and are part of an established contract or service. These type of expenses include, but are not limited to, natural gas, electricity, water, sewer, health insurance, dental insurance, life insurance, retirement fund, refuse collection, facility maintenance, issuing or replacement of uniforms, issuing or

replacement of essential department gear, and maintenance supplies or materials. These expenditures require the approval of the Director of Purchasing, department head and Finance Director. An "Accounts Payable" form or stamp may be used in lieu of a "Purchase Order" on those items where the contract or service is part of the current budget.

6. The City holds charge cards and business charge accounts from a limited number of vendors. These vendors are primarily used for small day-to-day purchases. A listing of all business charge/credit card accounts shall be maintained at City Hall. This list shall identify those employees who are authorized to use those accounts. Authorization of purchases that utilize these accounts shall follow the procedures as outlined in this Section.
  7. All capital expenditures of five hundred dollars (\$500.00) or more are required to be recorded as a fixed asset of the City. Department heads are directed to maintain an up-to-date fixed asset report, which should be submitted to the City Administrator on an annual basis.
  8. No contract or purchase shall be subdivided to avoid the dollar limitations specified in Subsection (C)(1) above.
  9. All purchase orders will be validated by the office of the Director of Purchasing after receipt of a complete purchase order in the manner specified below. The Director of Purchasing shall examine all purchase orders and shall have the authority to revise purchase orders as to quantity or established cost after consulting with the head of the using department.
- D. The Director of Purchasing and department heads shall take into consideration the following criteria when expending funds for the City:
1. Act to procure for the City the highest quality in supplies and contractual services at the least expense to the City.
  2. Encourage competition and endeavor to obtain as full and open competition as possible on all purchases and sales.
  3. Exploit the possibilities of buying in bulk so as to take full advantage of discounts.
  4. Keep informed of current developments in the fields of purchasing, prices, market conditions and new products, and secure for the City the benefits of research done in the field of purchasing by other governmental jurisdictions, national technical societies, trade associations having national recognition and private businesses and organizations. All contracts awarded by the Federal, State, County or local governmental consortiums for the purchase of supplies, materials or contracted services may be used in lieu of the procedures set out in this policy when the best interests of the City would be served.
  5. Act so as to procure for the City all Federal tax exemptions to which it is entitled.
  6. Disqualify vendors who default on their quotations and restrict them from receiving any



business from the City for a certain period of time. (Ord. No. 481 §1, 2-6-01)

**SECTION 145.020:**

**DEPARTMENT RESPONSIBILITY**

- A. While the final responsibility for purchasing rests with the Director of Purchasing, all departments will be required to participate in the development and procurement of open, competitive bidding on the procurement of all items purchased by the City.

- B. While the final responsibility for purchasing rests with the Director of Purchasing, all departments are responsible to ensure that goods and services purchased by the City shall be purchased from merchants and businesses located in the City, unless such goods or services are not available in the City or such goods or services may be purchased outside the City at a savings of five percent (5%) or more. In addition, the department head shall also be responsible to ensure goods purchased by the City shall be American made, unless such goods are not available as American made goods or foreign goods may be purchased at a savings of five percent (5%) or more.
- C. For purchases anticipated to cost in excess of ten thousand dollars (\$10,000.00) the Director of Purchasing shall handle the paper work necessary in the advertising for bids, consideration and award of the contract and the development of the contract for the purchase. The departments shall be responsible for development of specifications as instructed by the Director of Purchasing and for assisting in the development of a list of potential bidders.
- D. For purchases anticipated to cost less than ten thousand dollars (\$10,000.00) the department shall be responsible for the solicitation of informal bids. Whenever possible, at least three (3) and preferably more sources shall be contacted. In every case, all interested vendors are to be given an opportunity to submit a quote. The purchase order (see Section 145.050 below) is to be completed in detail. All sources contacted for quotations shall be noted. The Director of Purchasing will, when deemed necessary, solicit additional quotations, spot check prices noted on the purchase order, and take such measures as are necessary to assure that fair and equal opportunity is offered to all vendors interested in supplying the City.
- E. Small purchases of fifty dollars (\$50.00) or less can be purchased directly from the department petty cash fund as provided in Section 145.070. It shall be the responsibility of the department head to control the use of petty cash so as to best serve the needs of the City. Purchases may be made from petty cash only for goods or services for which there are line items in the budget. (Ord. No. 481 §1, 2-6-01)

**SECTION 145.030:****SPECIFICATIONS**

- A. It shall be the duty of the operating department to prepare written specifications for open, competitive bidding. Such specifications shall be approved by the Director of Purchasing or by such knowledgeable person as the Director of Purchasing may appoint to review the specifications.
- B. The department head shall have the authority to interview such salesmen or representatives of manufacturing concerns as he or she may wish in the development of specifications as long as such interviewing does not result in a cost to the City. (Ord. No. 481 §1, 2-6-01)

**SECTION 145.040:****BUDGET TRANSFERS OF SUPPLEMENTS**

- A. If a purchase is requested and there are not sufficient funds within the departmental account appropriation, the Director of Purchasing will so notify the department head who may:

1. Drop the request.
2. Request a transfer of funds.
3. Request an additional appropriation.

- B. If Subsection (A)(2) is selected, an interdepartmental transfer of funds can be made after a request for transfer of funds is filled out and signed by the department head and approved by the Director of Purchasing.
- C. If Subsection (A)(3) is selected, the request for an additional appropriation must be fully explained in a memo that will set forth the need and justification for the purchase. If, after review of the request, the Director of Purchasing agrees the request is justified, it shall be submitted to the Council who must approve the appropriation. (Ord. No. 481 §1, 2-6-01)

**SECTION 145.050:**

**PURCHASE ORDER**

- A. The purchase order will be the basic form of concern to the department head since it will serve as the means by which the department will inform the Director of Purchasing of the needs of the department.
- B. Purchase orders should be prepared far enough in advance so as not to create an emergency. This will permit the procurement of competitive prices and the best materials at the right price in time to meet the anticipated need. Request for bids for items of more than ten thousand dollars (\$10,000.00) should be submitted at least six (6) weeks in advance of the time the materials or services will be needed. Delivery of many goods will demand advance planning and early ordering.
- C. The purchase order is to be completed with the name and address of the suggested vendor, the cost from the vendor, the quantity, description of the material, the account to be charged, other prices obtained, and the address to which the material is to be delivered.
- D. The completed purchase order is then given to the Director of Finance who reviews the purchase order as submitted, checking the account number and verifying that monies are available in the budget under the account number as shown.
- E. The purchase order will then go to the Director of Purchasing for approval or disapproval. If approved, the purchase order will be signed and returned to the Director Finance, who will make proper distribution of the copies.
- F. The purchase order shall be prepared in triplicate so as to serve all purposes for which it is intended and shall be distributed by the finance office as follows:
  - 1. The third (3rd) copy retained by the issuing department.
  - 2. After being signed by the Director of Purchasing, the original is sent to the vendor.
  - 3. The second (2nd) copy is to be retained by the Director of Finance. (Ord. No. 481 §1, 2-6-01)

**SECTION 145.060:**

**EMERGENCY ORDERS**

- A. Emergency purchases will happen and must be handled. Emergency purchases are defined as

those purchases, which must be made in order to prevent the loss of life, or to protect a service that simply cannot be stopped or delayed. Emergency purchases do not include items that are discovered to be needed at once simply because a department head forgot to order an item ahead of time.

- B. When it is necessary to make an emergency purchase, the procedure will be to call the Director of Purchasing for oral approval, then proceed with the purchase. A purchase order complete with all the details of the purchase and marked "confirming emergency order of (date)" will then be submitted. An emergency purchase order cannot exceed five thousand dollars (\$5,000.00) without City Council approval.
- C. If, for some reason, it is impossible to reach the Director of Purchasing, for example, on a weekend or in the evening, the department head can order the purchase. In this case, the purchase and rationale must be reported to the Director of Purchasing immediately on the first (1st) working day after the purchase. A purchase order complete as to details of the purchase must be submitted. An emergency purchase cannot exceed five thousand dollars (\$5,000.00) without City Council approval. (Ord. No. 481 §1, 2-6-01)

**SECTION 145.070:****PETTY CASH PURCHASES**

- A. Minor purchases (fifty dollars (\$50.00) or less) can be made (without a purchase order) directly from the vendor and paid for from the departmental petty cash fund. A paid receipt shall be obtained from the vendor and a petty cash voucher completed and attached thereto.
- B. Departments may replenish petty cash at reasonable intervals. Department heads and such persons authorized by the department head in writing shall be responsible for petty cash funds. (Ord. No. 481 §1, 2-6-01)

**SECTION 145.080:****RESERVED**

*Editor's Note—See Editor's note at the beginning of this chapter.*

**SECTION 145.090:****APPROVING RECEIPT OF MATERIAL**

- A. When an order is received, each item will be examined by the department head, and the quantity and quality noted. An inter-office memo should be written on any deficiency or unusualness of the order. Reasons for changes in price should be noted on the invoice or inter-office memo and forwarded to the Finance Department.
- B. If a partial shipment is received, the department shall approve the items received for payment, noting shipping is incomplete on the invoice. (Ord. No. 481 §1, 2-6-01)

**SECTION 145.100:****PURCHASING PROCEDURES ON ITEMS  
OVER TEN THOUSAND  
DOLLARS**

- A. Supplies, materials, equipment and contractual services shall be procured only after obtaining formal sealed written bids when the value of the proposed procurement is in excess of ten thousand dollars (\$10,000.00) or when directed by the City Council or when required by the laws of the State of Missouri. The procurement of several items of the same

type at substantially the same time is a single purchase for the purpose of this regulation and the total cost of all such items will determine whether formal competitive bidding procedure must be followed. No contract or purchase shall be subdivided to avoid competitive bidding procedures.

- B. *Invitations—Notice.* Such bids shall be invited through a notice to be published in at least one (1) local newspaper at least one (1) time, the first (1st) publication to be at least ten (10) days prior to the date specified for submission of bids. Such notice shall include: a general description of the items to be purchased; the conditions of such purchase; the place specifications and bid forms may be secured; the time and place for submitting such bids; and the time and place for acceptance of bids. The Director may also solicit bids by mailing copies of the specifications and bidding documents to prospective vendors by mail. The Director shall make available to prospective bidders, and encourage the use of envelopes for the submission of bids, such envelopes to be of a size conspicuously larger than a No. 10 envelope, conspicuously colored to attract the attention of any person who receives them in the mail, identified in large letters on the cover as containing bids, with a blank space to be filled in to show the specified date for submission of the bid, addressed to the Director of Purchasing or department head.
- C. The Director of Purchasing may advertise for sealed bids (1) for any item for which an appropriation has been made in the annual budget for the City, or (2) upon resolution of a majority of the members of the City Council.
- D. *Requirements On Sealed Bids.* All bids shall be sealed, shall be identified as bids on the envelope, and shall be submitted within the time and at the time stated in the public notice inviting bids. Any person delivering a bid shall be directed to hand it to the City Clerk or such person designated for receipt of bids. Any mail identified as a bid shall be segregated promptly from all other mail and delivered to the person designated for the receipt of bids. The time of receipt of each bid shall be entered by that person on the envelope containing such bid. The City Clerk, or person designated, shall promptly place all bids in a safe place, designated to be retained until opened.
- E. The City Clerk shall open all bids as soon as practical after the time to submit bids has expired and shall, in conjunction with the head of the using agency, prior to the next regular meeting of the Council after the bid time expires, prepare a summary of all bids, including a review of the facts. All bids received shall be made available for inspection as a public record
- F. *Presentation To The Council Of Bids For Award.* After presentation of the available data, the City Council at a regular or special meeting may award the contract in the best interest of the City for the goods or services to be procured; however, the City Council may have the authority to reject all bids.
- G. *Contract Required After Award.* Subsequent to the award by the City Council the Director of Purchasing shall, by purchase order and/or formal contract, enter into an agreement with the bidder selected by Council for procurement of the goods and services to be procured.
- H. *Requirements For Bid Deposits.* When deemed necessary by the Director, bid deposits may be required. Said deposits may be required to be in the form of a certified check or bid bond and may be for an amount not exceeding one thousand dollars (\$1,000.00) or ten percent (10%) of the amount of the bid, whichever is greater. When so requested, all bids not accompanied by such deposit shall be rejected. Such bid deposit shall be returned to all bidders upon execution of a contract with, or issuance of, a purchase order to the successful bidder. A successful bidder shall forfeit their deposit if they fail to enter into a contract



within thirty (30) days after the award.

- I. *Requirement Of Performance Bond.* The successful bidder may be required to post a performance bond whenever the same is deemed appropriate by the Director of Purchasing; provided however, such requirement must be set forth in the conditions of bidding. Said performance bond may be in the form of a specified amount or a percentage of the value of the proposed purchase. The Director

of Purchasing shall establish, in the Conditions of Bidding, such terms as may be deemed appropriate to protect the interest of the City of Normandy.

- J. *Absence Or Rejection Of Bids.* The City Council may, by resolution, approve negotiated procurement of goods or services of a value in excess of ten thousand dollars (\$10,000.00) if there have been no responsive bids to an advertisement for bids, or there is no prospect of receiving bids and/or if the City Council has rejected all bids. (Ord. No. 481 §1, 2-6-01)

**SECTION 145.110: SOLE SOURCE, SPECIALIZED AND NON-STANDARD ITEMS**

- A. The City Council may, by resolution, approve negotiated procurement of goods of a value in excess of ten thousand dollars (\$10,000.00) without requiring formal competitive bids if the Council determines from all information submitted to it by the Director of Purchasing and the using agency that such goods are of such specialized or non-standard nature that they can be acquired only from a sole source of supply and that no similar goods would reasonably satisfy the City's requirements.
- B. The Director of Purchasing may approve goods in value of less than ten thousand dollars (\$10,000.00) from a sole source, provided the department acquiring the goods or services writes an inter-office memorandum stating reasons why only one (1) company can supply the goods or services requested. (Ord. No. 481 §1, 2-6-01)

**SECTION 145.120: PROFESSIONAL SERVICES**

When professional services in addition to those provided by the City's Officers and employees are required by the City in an amount greater than ten thousand dollars (\$10,000.00), investigation shall be made in the manner directed or approved by the City Council concerning persons or companies who perform the required service. On the basis of such investigation, the Council shall then designate or approve one (1) or more of such persons or companies for negotiation. The City Council may then, by ordinance, approve a contract for the required professional service. (Ord. No. 481 §1, 2-6-01)

**SECTION 145.130: AWARD OF CONTRACT OR PURCHASE ORDERS**

It is the responsibility of the Director of Purchasing to review and investigate all bids and to make a recommendation thereon to the City Council regarding award of a particular contract or purchase order. The following criteria will be utilized in making this evaluation:

1. The ability, capacity and skill of the bidder to perform the contract or provide the services required.
2. Determine whether the bidder can perform the contract to provide the services promptly or within the required time periods without delay or interference.

3. The quality of performance of previous contracts or services.
4. The previous and existing compliance by the bidder with laws and ordinances of the City.
5. The financial resources and the ability of the bidder to perform the contract or provide the services.

6. The quality, availability and adaptability of the supplies or services. (Ord. No. 481 §1, 2-6-01)

**SECTION 145.140: PURCHASE ORDERS OR CONTRACTS MUST BE FOR CURRENT FISCAL YEAR**

All purchase orders or contracts must be for goods or services covered by a category in the budget for the current fiscal year as approved by the City Council. Any purchaser of an item not provided for in the current fiscal year budget must receive the prior approval of the City Council. The Director of Purchasing is authorized to approve all purchases after complying with the competitive shopping requirements as specified above. (Ord. No. 481 §1, 2-6-01)

**SECTION 145.150: ITEMS COVERED BY WARRANTY OR GUARANTEE**

The City purchases many items which have a warranty or guarantee for a certain length of time. Before these items are repaired or replaced, a specific check should be made as to the warranty or guarantee coverage. Each department shall maintain an active up-to-date file on such warranties or guarantees with complete information. (Ord. No. 481 §1, 2-6-01)

**SECTION 145.160: TRADE-IN**

A description of equipment to be used as trade-in shall accompany a purchase order when a trade-in is to be included in the acquisition. (Ord. No. 481 §1, 2-6-01)

**CONSTRUCTION, REPAIRS, PROJECTS**

**ARTICLE II. CONTRACTS FOR MAINTENANCE AND SERVICE**

**SECTION 145.170: POLICY**

- A. All business entities contracting with the City of Normandy for construction, repairs, maintenance and service projects of the City funded with tax revenues of the City of Normandy are encouraged and urged, to the extent possible, to employ residents of the City of Normandy to work on such projects, and are further encouraged to urge their subcontractors to employ City of Normandy residents on such projects.
- B. The City of Normandy will encourage all contractors and subcontractors on City funded projects to implement the policy recommendations of the Federal Committee on Apprenticeship, United States Department of Labor, Employment and Training Administration, and shall include the following language in bid specifications issued by the City:

The City seeks to ensure that the highest quality workmanship will be performed on its projects and to do so, encourage bidders to use workmen on the project who have satisfactorily completed apprenticeship programs developed and operated in accordance with the policy recommendation, dated January 28, 1992, of the Federal Committee on Apprenticeship, U.S. Department of Labor, Employment and Training Administration, Office of Work-Based Learning, Bureau of Apprenticeship and Training (the "Policy Recommendation"). All bidders are required to certify in their bids the percentage of their workmen for the project who have satisfactorily completed such a program for the type of work they will be performing. (Ord. No. 347 §§1–2, 10-13-92; Ord. No. 457 §1, 3-7-00)

## **CHAPTER 150: TAXATION**

*Cross Reference—As to licenses and business taxes and regulations generally, see ch. 605 of this code.*

### **ARTICLE I. SALES TAX**

#### **SECTION 150.010: TAX IMPOSED—RATE OF TAX**

A sales tax at the rate of one percent (1%) on the receipts from the sale at retail of all tangible personal property and taxable services at retail within the City is hereby levied and imposed upon all persons selling or furnishing tangible personal property or rendering services, for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail in the City. (CC 1975 §26-1; Ord. No. 382 §1)

#### **SECTION 150.020: APPLICABILITY OF STATE LAW, RULES AND REGULATIONS**

The tax provided for in this Chapter is imposed to the extent and in the manner provided in Sections 144.010 to 144.525, RSMo., and the rules and regulations of the Director of Revenue of the State issued pursuant thereto. (CC 1975 §26-2; Ord. No. 382 §2)

#### **SECTION 150.030: DISPOSITION OF TAX REVENUES**

All revenues collected and received by the City from the tax imposed by this Article shall be deposited in the City Treasury to the credit of the General Revenue Fund. (CC 1975 §26-3; Ord. No. 382 §3)

### **ARTICLE II. CAPITAL IMPROVEMENTS**

#### **SALES TAX**

#### **SECTION 150.040: CAPITAL IMPROVEMENTS SALES TAX**

- A. There is hereby established a sales tax in the amount of one-half of one percent (0.5%) on all retail sales made in the City of Normandy, Missouri, which are subject to taxation under the provisions of Sections 144.010 to 144.525, RSMo., inclusive, for the purpose of funding capital improvements, including the operation and maintenance of capital improvements.
- B. It is hereby established that the City of Normandy, selects Option 1 as contained in Section 94.890, RSMo. In all other respects, Ordinance No. 398 is hereby confirmed and ratified. (Ord. No. 398 §1, 1-9-96; Ord. No. 401 §§1-2, 7-11-96)



**ARTICLE III. PARKS AND  
STORMWATER SALES TAX**

**SECTION 150.050: PARKS AND STORMWATER SALES TAX**

There is hereby established a sales tax in the amount of one-half of one percent (0.5%) on all retail sales made in the City of Normandy, Missouri, which are subject to taxation under the provisions of Sections 144.010 to 144.525, inclusive, RSMo., for the purpose of funding Parks and Stormwater, including the operation and maintenance of Parks and Stormwater facilities. (Ord. No. 535 §1, 8-4-04)

**ARTICLE IV. USE TAX**

**SECTION 150.060: USE TAX**

- A. Pursuant to the authority granted by and subject to the provisions of Sections 144.600 through 144.761, RSMo., a use tax for general revenue purposes is imposed for the privilege of storing, using or consuming within the City any article of tangible personal property. This tax does not apply with respect to the storage, use or consumption of any article of tangible personal property purchased, produced or manufactured outside this State until the transportation of the article has finally come to rest within this City or until the article has become commingled with the general mass of property of this City.
- B. The rate of the tax shall be equivalent to the cumulative rate of local sales taxes imposed by the City of Normandy from time to time. If any City sales tax is repealed or the rate thereof is reduced or raised by voter approval, the City use tax rate shall also be deemed to be repealed, reduced or raised by the same action repealing, reducing or raising the City sales tax.
- C. Pursuant to Section 144.757, RSMo., the use tax revenue shall be distributed pursuant to Option 2 of Subsection 4 of Section 94.890, RSMo., such that one hundred percent (100%) of the proceeds of such tax in the City, less costs of collection as provided by law, shall be retained in "subaccount #2" and distributed to the City of Normandy based on the percentage ratio that the population of Normandy bears to the total population of all of the municipalities choosing Option 2 for such purposes. (Ord. No. 573 §§1–3, 8-31-06)

**ARTICLE V. ECONOMIC  
DEVELOPMENT SALES TAX**

**SECTION 150.070: ECONOMIC DEVELOPMENT SALES TAX**

Pursuant to the authority granted by and subject to the provisions of Section 67.1305, RSMo., a tax of one half of one percent (.5%) is imposed on all retail sales made in the City which are subject to sales tax under Chapter 144, RSMo., for general revenue purposes.



(Ord. No. 572 §1, 8-31-06)

## CHAPTER 155: INVESTMENT POLICY

### SECTION 155.010: SCOPE

This policy applies to the investment of all operating funds of the City.

1. *Pooling of funds.* Except for cash in certain restricted and special funds, the City will consolidate cash balances from all funds to maximize investment earnings. Investment income will be allocated to the various funds based on their respective participation and in accordance with the generally accepted accounting principles.
2. *External management of funds.* Investment through external programs, facilities and professionals operating in a manner consistent with this policy will constitute compliance.  
(Ord. No. 456 §1, 3-7-00)

### SECTION 155.020: GENERAL OBJECTIVES

- A. *Safety.* Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to minimize credit risk and interest rate risk.
  1. *Credit risk.* The City will minimize credit risk, the risk of loss due to the failure of the security issuer or backer, by:
    - a. Pre qualifying the financial institutions, brokers/dealers, intermediaries, and advisors with which the City will do business. Diversifying the portfolio so that potential losses on individual securities will be minimized.
  2. *Interest rate risk.* The City will minimize the risk that the market value of securities in the portfolio will fall due to changes in general interest rates, by:
    - a. Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity.
    - b. Investing operating funds primarily in shorter-term securities.
- B. *Liquidity.* The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This is accomplished by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands.
- C. *Yield.* The investment portfolio shall be designed with the objectives of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of secondary importance to the safety and liquidity objectives described above. The core of investments are limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being

assumed. Securities shall not be sold prior to maturity with the following exceptions:

1. A security with declining credit may be sold early to minimize loss of principal.
2. A security swap would improve the quality, yield, or target duration.
3. Liquidity needs of the portfolio require that the security be sold. (Ord. No. 456 §1, 3-7-00)

**SECTION 155.030:**

**STANDARDS OF CARE**

- A. *Prudence.* The standard of care to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio.
- B. *Ethics And Conflicts of Interest.* Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose any material interests in financial institutions in which they conduct business. They shall further disclose any personal financial/ investment positions that could be related to the performance of the investment portfolio. Employees and officials shall refrain from undertaking personal investment transactions with the same individual with which business is conducted on behalf of the City.
- C. *Delegation Of Authority.* Authority to manage the investment program is granted to the City Administrator, hereinafter referred to as investment officer and derived from the State Statutes or Constitution. Responsibility for the operation of the investment program is hereby delegated to the investment officer, who shall act in accordance with the established written procedures and internal controls for the operation of the investment program consistent with this investment policy. Procedures should include references to: safekeeping, delivery vs. payment, investment accounting, repurchase agreements, wire transfer agreements, and collateral/depository agreements. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the investment officer. The investment officer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials. (Ord. No. 456 §1, 3-7-00)

**SECTION 155.040:**

**INVESTMENT TRANSACTIONS—INTERNAL CONTROLS**

- A. The investment officer is responsible for establishing and maintaining an internal control structure that will be reviewed annually with the City's independent auditor. The internal control structure shall be designed to ensure that the assets of the City, are protected from loss, theft or misuse and to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that:
  1. The cost of control should not exceed the benefits likely to be derived, and
  2. The valuation of costs and benefits require estimates and judgements by management.

B. The internal controls shall address the following points:

1. Control of collusion.
2. Separation of transaction authority from accounting and record keeping.
3. Custodial safekeeping.

4. Clear delegation of authority to subordinate staff members.
5. Written confirmation of transactions for investments and wire transfers.
6. Development of a wire transfer agreement. (Ord. No. 456 §1, 3-7-00)

**SECTION 155.050: SUITABLE AND AUTHORIZED INVESTMENTS**

*Investment Types.* In accordance with and subject to restrictions imposed by current Statutes, the following list represents the entire range of investments that the City will consider and which shall be authorized for the investments of funds by the City.

1. *United States Treasury Securities.* The City may invest in obligations of the United States government for which the full faith and credit of the United States are pledged for the payment of principal interest.
2. *United States Agency Securities.* The City may invest in obligations issued or guaranteed by any agency of the United States Government.
3. *Repurchase Agreements.* The City may invest in contractual agreements between the City and commercial banks or primary government securities dealers. The purchaser in a repurchase agreement (repo) enters into a contractual agreement to purchase Treasury and government agency securities while simultaneously agreeing to resell the securities at predetermined dates and prices.
4. *Collateralized Public Deposits.* Instruments issued by financial institutions which state that specified sums have been deposited for specified periods of time and at specified rates of interest. Such deposits are required to be backed by acceptable collateral securities as dictated by State Statute.
5. *Commercial Paper.* The City may invest in commercial paper issued by domestic corporations, which has received the highest rating issued by Moody's Investor Services, Inc. or Standard and Poor's Corporation. Eligible paper is further limited to issuing corporations that have total assets in excess of five hundred million dollars (\$500,000,000.00). (Ord. No. 456 §1, 3-7-00)

**SECTION 155.060: INVESTMENT RESTRICTIONS AND PROHIBITED TRANSACTIONS**

To provide for the safety and liquidity of the City's funds, the investment portfolio will be subject to the following restrictions:

1. Borrowing for investment purposes ("Leverage") is prohibited.
2. Instruments known as Structured Notes (e.g. inverse floaters, leveraged floaters, and equity-linked securities) are not permitted. Investment in any instrument, which is

commonly considered a "derivative" investment (e.g. options, futures, swaps, caps, floors, and collars), is prohibited.

3. Contracting to sell securities not yet acquired in order to purchase other securities for purposes of speculating on developments or trends in the market is prohibited.
4. No more than fifty percent (50%) of the total market value of the portfolio may be invested in commercial paper of any one issuer. (Ord. No. 456 §1, 3-7-00)